

1 *~~4548/2.590~~* *~~0590/P5.333~~* SECTION 868. 946.70 (2) of the statutes is
2 amended to read:

3 946.70 (2) Any person violating sub. (1) with the intent to commit or aid or abet
4 the commission of a crime other than the crime under this section is guilty of a Class
5 D H felony.

6 *~~4548/2.591~~* *~~0590/P5.334~~* SECTION 869. 946.72 (1) of the statutes is
7 amended to read:

8 946.72 (1) Whoever with intent to injure or defraud destroys, damages,
9 removes or conceals any public record is guilty of a Class D H felony.

10 *~~4548/2.592~~* *~~0590/P5.335~~* SECTION 870. 946.74 (2) of the statutes is
11 amended to read:

12 946.74 (2) Whoever violates sub. (1) with intent to commit a crime against
13 sexual morality with or upon the inmate of the institution is guilty of a Class D H
14 felony.

15 *~~4548/2.593~~* *~~0590/P5.336~~* SECTION 871. 946.76 of the statutes is
16 amended to read:

17 **946.76 Search warrant; premature disclosure.** Whoever discloses prior
18 to its execution that a search warrant has been applied for or issued, except so far
19 as may be necessary to its execution, is guilty of a Class E I felony.

20 *~~4548/2.594~~* *~~0590/P5.337~~* SECTION 872. 946.82 (4) of the statutes, as
21 affected by 2001 Wisconsin Act 16, is amended to read:

22 946.82 (4) “Racketeering activity” means any activity specified in 18 USC 1961
23 (1) in effect as of April 27, 1982 or the attempt, conspiracy to commit, or commission
24 of any of the felonies specified in: chs. 945 and 961 and ss. 49.49, 134.05, 139.44 (1),
25 180.0129, 181.0129, 185.825, 201.09 (2), 215.12, 221.0625, 221.0636, 221.0637,

1 221.1004, 551.41, 551.42, 551.43, 551.44, 553.41 (3) and (4), 553.52 (2), 940.01,
2 940.19 ~~(3)~~ (4) to (6), 940.20, 940.201, 940.203, 940.21, 940.30, 940.305, 940.31, 941.20
3 (2) and (3), 941.26, 941.28, 941.298, 941.31, 941.32, 943.01 (2), (2d), or (2g), 943.011,
4 943.012, 943.013, 943.02, 943.03, 943.04, 943.05, 943.06, 943.10, 943.20 (3) ~~(e)~~ and
5 ~~(d)~~ (bf) to (e), 943.201, 943.23 (1g), ~~(1m)~~, ~~(1r)~~, (2) and (3), 943.24 (2), 943.25, 943.27,
6 943.28, 943.30, 943.32, 943.34 (1) (bf), (bm), and (c), 943.38, 943.39, 943.40, 943.41
7 (8) (b) and (c), 943.50 (4) (bf), (bm), and (c), 943.60, 943.70, 943.76, 944.205, 944.21
8 (5) (c) and (e), 944.32, 944.33 (2), 944.34, 945.03 (1m), 945.04 (1m), 945.05 (1), 945.08,
9 946.10, 946.11, 946.12, 946.13, 946.31, 946.32 (1), 946.48, 946.49, 946.61, 946.64,
10 946.65, 946.72, 946.76, 947.015, 948.05, 948.08, 948.12, and 948.30.

11 ***-4548/2.595* *-0590/P5.338* SECTION 873.** 946.84 (1) of the statutes is
12 amended to read:

13 946.84 (1) Any person convicted of engaging in racketeering activity in
14 violation of s. 946.83 is guilty of a Class C E felony.

15 ***-4548/2.596* *-3266/P1.147* SECTION 874.** 946.85 (1) of the statutes is
16 amended to read:

17 946.85 (1) Any person who engages in a continuing criminal enterprise shall
18 be imprisoned for not less than 10 years nor more than 30 years, and fined not more
19 than \$10,000 or as provided in s. 946.84 (2). If the court imposes a sentence less than
20 the presumptive minimum sentence, it shall place its reasons for doing so on the
21 record is guilty of a Class E felony.

22 ***-4548/2.597* *-0590/P5.340* SECTION 875.** 947.013 (1t) of the statutes is
23 amended to read:

24 947.013 (1t) Whoever violates sub. (1r) is guilty of a Class E I felony if the
25 person has a prior conviction under this subsection or sub. (1r), (1v) or (1x) or s.

1 940.32 (2), (2m), (3) or (3m) involving the same victim and the present violation
2 occurs within 7 years of the prior conviction.

3 *~~4548/2.598~~* *~~0590/P5.341~~* **SECTION 876.** 947.013 (1v) of the statutes is
4 amended to read:

5 947.013 (1v) Whoever violates sub. (1r) is guilty of a Class ~~D~~ H felony if he or
6 she intentionally gains access to a record in electronic format that contains
7 personally identifiable information regarding the victim in order to facilitate the
8 violation under sub. (1r).

9 *~~4548/2.599~~* *~~0590/P5.342~~* **SECTION 877.** 947.013 (1x) (intro.) of the
10 statutes is amended to read:

11 947.013 (1x) (intro.) Whoever violates sub. (1r) under all of the following
12 circumstances is guilty of a Class ~~D~~ H felony:

13 *~~4548/2.600~~* *~~0590/P5.343~~* **SECTION 878.** 947.015 of the statutes is
14 amended to read:

15 **947.015 Bomb scares.** Whoever intentionally conveys or causes to be
16 conveyed any threat or false information, knowing such to be false, concerning an
17 attempt or alleged attempt being made or to be made to destroy any property by the
18 means of explosives is guilty of a Class ~~E~~ I felony.

19 *~~4548/2.601~~* *~~0590/P5.344~~* **SECTION 879.** 948.02 (2) of the statutes is
20 amended to read:

21 948.02 (2) **SECOND DEGREE SEXUAL ASSAULT.** Whoever has sexual contact or
22 sexual intercourse with a person who has not attained the age of 16 years is guilty
23 of a Class ~~B~~ C felony.

24 *~~4548/2.602~~* *~~0590/P5.345~~* **SECTION 880.** 948.02 (3) of the statutes is
25 amended to read:

1 948.02 (3) FAILURE TO ACT. A person responsible for the welfare of a child who
2 has not attained the age of 16 years is guilty of a Class ~~C~~ F felony if that person has
3 knowledge that another person intends to have, is having or has had sexual
4 intercourse or sexual contact with the child, is physically and emotionally capable
5 of taking action which will prevent the intercourse or contact from taking place or
6 being repeated, fails to take that action and the failure to act exposes the child to an
7 unreasonable risk that intercourse or contact may occur between the child and the
8 other person or facilitates the intercourse or contact that does occur between the
9 child and the other person.

10 *~~4548/2.603~~* *~~0590/P5.346~~* **SECTION 881.** 948.02 (3m) of the statutes is
11 repealed.

12 *~~4548/2.604~~* *~~0590/P5.347~~* **SECTION 882.** 948.025 (1) of the statutes is
13 renumbered 948.025 (1) (intro.) and amended to read:

14 948.025 (1) (intro.) Whoever commits 3 or more violations under s. 948.02 (1)
15 or (2) within a specified period of time involving the same child is guilty of ~~a~~;

16 (a) A Class B felony if at least 3 of the violations were violations of s. 948.02 (1).

17 *~~4548/2.605~~* *~~0590/P5.348~~* **SECTION 883.** 948.025 (1) (b) of the statutes is
18 created to read:

19 948.025 (1) (b) A Class C felony if fewer than 3 of the violations were violations
20 of s. 948.02 (1).

21 *~~4548/2.606~~* *~~0590/P5.349~~* **SECTION 884.** 948.025 (2) of the statutes is
22 renumbered 948.025 (2) (b) and amended to read:

23 948.025 (2) (b) If an action under sub. (1) (b) is tried to a jury, in order to find
24 the defendant guilty the members of the jury must unanimously agree that at least
25 3 violations of s. 948.02 (1) or (2) occurred within the time specified period applicable

1 ~~under sub. (1) of time~~ but need not agree on which acts constitute the requisite
2 number and need not agree on whether a particular violation was a violation of s.
3 948.02 (1) or (2).

4 *~~4548/2.607~~* *~~0590/P5.350~~* **SECTION 885.** 948.025 (2) (a) of the statutes is
5 created to read:

6 948.025 (2) (a) If an action under sub. (1) (a) is tried to a jury, in order to find
7 the defendant guilty the members of the jury must unanimously agree that at least
8 3 violations of s. 948.02 (1) occurred within the specified period of time but need not
9 agree on which acts constitute the requisite number.

10 *~~4548/2.608~~* *~~0590/P5.351~~* **SECTION 886.** 948.025 (2m) of the statutes is
11 repealed.

12 *~~4548/2.609~~* *~~0590/P5.352~~* **SECTION 887.** 948.03 (2) (a) of the statutes is
13 amended to read:

14 948.03 (2) (a) Whoever intentionally causes great bodily harm to a child is
15 guilty of a Class ~~C~~ E felony.

16 *~~4548/2.610~~* *~~0590/P5.353~~* **SECTION 888.** 948.03 (2) (b) of the statutes is
17 amended to read:

18 948.03 (2) (b) Whoever intentionally causes bodily harm to a child is guilty of
19 a Class ~~D~~ H felony.

20 *~~4548/2.611~~* *~~0590/P5.354~~* **SECTION 889.** 948.03 (2) (c) of the statutes is
21 amended to read:

22 948.03 (2) (c) Whoever intentionally causes bodily harm to a child by conduct
23 which creates a high probability of great bodily harm is guilty of a Class ~~C~~ F felony.

24 *~~4548/2.612~~* *~~0590/P5.355~~* **SECTION 890.** 948.03 (3) (a) of the statutes is
25 amended to read:

1 948.03 (3) (a) Whoever recklessly causes great bodily harm to a child is guilty
2 of a Class ~~D~~ G felony.

3 *~~4548/2.613~~* *~~0590/P5.356~~* **SECTION 891.** 948.03 (3) (b) of the statutes is
4 amended to read:

5 948.03 (3) (b) Whoever recklessly causes bodily harm to a child is guilty of a
6 Class ~~E~~ I felony.

7 *~~4548/2.614~~* *~~0590/P5.357~~* **SECTION 892.** 948.03 (3) (c) of the statutes is
8 amended to read:

9 948.03 (3) (c) Whoever recklessly causes bodily harm to a child by conduct
10 which creates a high probability of great bodily harm is guilty of a Class ~~D~~ H felony.

11 *~~4548/2.615~~* *~~0590/P5.358~~* **SECTION 893.** 948.03 (4) (a) of the statutes is
12 amended to read:

13 948.03 (4) (a) A person responsible for the child's welfare is guilty of a Class
14 ~~C~~ F felony if that person has knowledge that another person intends to cause, is
15 causing or has intentionally or recklessly caused great bodily harm to the child and
16 is physically and emotionally capable of taking action which will prevent the bodily
17 harm from occurring or being repeated, fails to take that action and the failure to act
18 exposes the child to an unreasonable risk of great bodily harm by the other person
19 or facilitates the great bodily harm to the child that is caused by the other person.

20 *~~4548/2.616~~* *~~0590/P5.359~~* **SECTION 894.** 948.03 (4) (b) of the statutes is
21 amended to read:

22 948.03 (4) (b) A person responsible for the child's welfare is guilty of a Class
23 ~~D~~ H felony if that person has knowledge that another person intends to cause, is
24 causing or has intentionally or recklessly caused bodily harm to the child and is
25 physically and emotionally capable of taking action which will prevent the bodily

1 harm from occurring or being repeated, fails to take that action and the failure to act
2 exposes the child to an unreasonable risk of bodily harm by the other person or
3 facilitates the bodily harm to the child that is caused by the other person.

4 ~~*-4548/2.617*~~ **SECTION 895.** 948.03 (5) of the statutes is repealed.

5 ~~*-4548/2.618*~~ ~~*-0590/P5.360*~~ **SECTION 896.** 948.04 (1) of the statutes is
6 amended to read:

7 948.04 (1) Whoever is exercising temporary or permanent control of a child and
8 causes mental harm to that child by conduct which demonstrates substantial
9 disregard for the mental well-being of the child is guilty of a Class C F felony.

10 ~~*-4548/2.619*~~ ~~*-0590/P5.361*~~ **SECTION 897.** 948.04 (2) of the statutes is
11 amended to read:

12 948.04 (2) A person responsible for the child's welfare is guilty of a Class C F
13 felony if that person has knowledge that another person has caused, is causing or will
14 cause mental harm to that child, is physically and emotionally capable of taking
15 action which will prevent the harm, fails to take that action and the failure to act
16 exposes the child to an unreasonable risk of mental harm by the other person or
17 facilitates the mental harm to the child that is caused by the other person.

18 ~~*-4548/2.620*~~ ~~*-0590/P5.362*~~ **SECTION 898.** 948.05 (1) (intro.) of the statutes
19 is amended to read:

20 948.05 (1) (intro.) Whoever does any of the following with knowledge of the
21 character and content of the sexually explicit conduct involving the child is guilty of
22 a Class C F felony:

23 ~~*-4548/2.621*~~ ~~*-0590/P5.363*~~ **SECTION 899.** 948.05 (1m) of the statutes, as
24 affected by 2001 Wisconsin Act 16, is amended to read:

1 948.05 (1m) Whoever produces, performs in, profits from, promotes, imports
2 into the state, reproduces, advertises, sells, distributes, or possesses with intent to
3 sell or distribute, any recording of a child engaging in sexually explicit conduct is
4 guilty of a Class C F felony if the person knows the character and content of the
5 sexually explicit conduct involving the child and if the person knows or reasonably
6 should know that the child engaging in the sexually explicit conduct has not attained
7 the age of 18 years.

8 *~~4548/2.622~~* *~~0590/P5.364~~* **SECTION 900.** 948.05 (2) of the statutes is
9 amended to read:

10 948.05 (2) A person responsible for a child's welfare who knowingly permits,
11 allows or encourages the child to engage in sexually explicit conduct for a purpose
12 proscribed in sub. (1) (a) or (b) or (1m) is guilty of a Class C F felony.

13 *~~4548/2.623~~* *~~0590/P5.365~~* **SECTION 901.** 948.055 (2) (a) of the statutes is
14 amended to read:

15 948.055 (2) (a) A Class C F felony if the child has not attained the age of 13
16 years.

17 *~~4548/2.624~~* *~~0590/P5.366~~* **SECTION 902.** 948.055 (2) (b) of the statutes is
18 amended to read:

19 948.055 (2) (b) A Class D H felony if the child has attained the age of 13 years
20 but has not attained the age of 18 years.

21 *~~4548/2.625~~* *~~0590/P5.367~~* **SECTION 903.** 948.06 (intro.) of the statutes is
22 amended to read:

23 **948.06 Incest with a child.** (intro.) Whoever does any of the following is
24 guilty of a Class B C C felony:

1 *~~4548/2.626~~* *~~0590/P5.368~~* **SECTION 904.** 948.07 (intro.) of the statutes is
2 amended to read:

3 **948.07 Child enticement.** (intro.) Whoever, with intent to commit any of the
4 following acts, causes or attempts to cause any child who has not attained the age
5 of 18 years to go into any vehicle, building, room or secluded place is guilty of a Class
6 ~~B~~ D felony:

7 *~~4548/2.627~~* *~~0590/P5.369~~* **SECTION 905.** 948.08 of the statutes is
8 amended to read:

9 **948.08 Soliciting a child for prostitution.** Whoever intentionally solicits
10 or causes any child to practice prostitution or establishes any child in a place of
11 prostitution is guilty of a Class ~~B~~ D felony.

12 *~~4548/2.628~~* *~~0590/P5.370~~* **SECTION 906.** 948.095 (2) (intro.) of the
13 statutes is amended to read:

14 948.095 (2) (intro.) Whoever has sexual contact or sexual intercourse with a
15 child who has attained the age of 16 years and who is not the defendant's spouse is
16 guilty of a Class ~~D~~ H felony if all of the following apply:

17 *~~4548/2.629~~* *~~0590/P5.371~~* **SECTION 907.** 948.11 (2) (a) (intro.) of the
18 statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

19 948.11 (2) (a) (intro.) Whoever, with knowledge of the character and content of
20 the material, sells, rents, exhibits, plays, distributes, or loans to a child any harmful
21 material, with or without monetary consideration, is guilty of a Class ~~E~~ I felony if any
22 of the following applies:

23 *~~4548/2.630~~* *~~0590/P5.372~~* **SECTION 908.** 948.11 (2) (am) (intro.) of the
24 statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

1 948.11 (2) (am) (intro.) Any person who has attained the age of 17 and who, with
2 knowledge of the character and content of the description or narrative account,
3 verbally communicates, by any means, a harmful description or narrative account
4 to a child, with or without monetary consideration, is guilty of a Class ~~E~~ I felony if
5 any of the following applies:

6 *~~4548/2.631~~* *~~0590/P5.373~~* **SECTION 909.** 948.12 (1m) (intro.) of the
7 statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

8 948.12 (1m) (intro.) Whoever possesses any undeveloped film, photographic
9 negative, photograph, motion picture, videotape, or other recording of a child
10 engaged in sexually explicit conduct under all of the following circumstances is guilty
11 of a Class ~~E~~ I felony:

12 *~~4548/2.632~~* **SECTION 910.** 948.12 (2m) (intro.) of the statutes, as created by
13 2001 Wisconsin Act 16, is amended to read:

14 948.12 (2m) (intro.) Whoever exhibits or plays a recording of a child engaged
15 in sexually explicit conduct, if all of the following apply, is guilty of a Class ~~E~~ I felony:

16 *~~4548/2.633~~* *~~0590/P5.374~~* **SECTION 911.** 948.13 (2) of the statutes is
17 amended to read:

18 948.13 (2) Whoever has been convicted of a serious child sex offense and
19 subsequently engages in an occupation or participates in a volunteer position that
20 requires him or her to work or interact primarily and directly with children under
21 16 years of age is guilty of a Class ~~C~~ F felony. This subsection does not apply to a
22 person who is exempt under a court order issued under sub. (2m).

23 *~~4548/2.634~~* *~~0590/P5.375~~* **SECTION 912.** 948.20 of the statutes is
24 amended to read:

1 **948.20 Abandonment of a child.** Whoever, with intent to abandon the child,
2 leaves any child in a place where the child may suffer because of neglect is guilty of
3 a Class D G felony.

4 *~~4548/2.635~~* *~~0590/P5.376~~* **SECTION 913.** 948.21 (1) of the statutes is
5 amended to read:

6 948.21 (1) Any person who is responsible for a child's welfare who, through his
7 or her actions or failure to take action, intentionally contributes to the neglect of the
8 child is guilty of a Class A misdemeanor or, if death is a consequence, a Class C D
9 felony.

10 *~~4548/2.636~~* *~~0590/P5.377~~* **SECTION 914.** 948.22 (2) of the statutes is
11 amended to read:

12 948.22 (2) Any person who intentionally fails for 120 or more consecutive days
13 to provide spousal, grandchild or child support which the person knows or reasonably
14 should know the person is legally obligated to provide is guilty of a Class E I felony.
15 A prosecutor may charge a person with multiple counts for a violation under this
16 subsection if each count covers a period of at least 120 consecutive days and there is
17 no overlap between periods.

18 *~~4548/2.637~~* *~~0590/P5.378~~* **SECTION 915.** 948.23 of the statutes is
19 amended to read:

20 **948.23 Concealing death of child.** Any person who conceals the corpse of
21 any issue of a woman's body with intent to prevent a determination of whether it was
22 born dead or alive is guilty of a Class E I felony.

23 *~~4548/2.638~~* *~~0590/P5.379~~* **SECTION 916.** 948.24 (1) (intro.) of the statutes
24 is amended to read:

1 948.24 (1) (intro.) Whoever does any of the following is guilty of a Class D H
2 felony:

3 *~~4548/2.639~~* *~~0590/P5.380~~* **SECTION 917.** 948.30 (1) (intro.) of the statutes
4 is amended to read:

5 948.30 (1) (intro.) Any person who, for any unlawful purpose, does any of the
6 following is guilty of a Class C E felony:

7 *~~4548/2.640~~* *~~0590/P5.381~~* **SECTION 918.** 948.30 (2) (intro.) of the statutes
8 is amended to read:

9 948.30 (2) (intro.) Any person who, for any unlawful purpose, does any of the
10 following is guilty of a Class B C felony:

11 *~~4548/2.641~~* *~~0590/P5.382~~* **SECTION 919.** 948.31 (1) (b) of the statutes is
12 amended to read:

13 948.31 (1) (b) Except as provided under chs. 48 and 938, whoever intentionally
14 causes a child to leave, takes a child away or withholds a child for more than 12 hours
15 beyond the court-approved period of physical placement or visitation period from a
16 legal custodian with intent to deprive the custodian of his or her custody rights
17 without the consent of the custodian is guilty of a Class C F felony. This paragraph
18 is not applicable if the court has entered an order authorizing the person to so take
19 or withhold the child. The fact that joint legal custody has been awarded to both
20 parents by a court does not preclude a court from finding that one parent has
21 committed a violation of this paragraph.

22 *~~4548/2.642~~* *~~0590/P5.383~~* **SECTION 920.** 948.31 (2) of the statutes is
23 amended to read:

24 948.31 (2) Whoever causes a child to leave, takes a child away or withholds a
25 child for more than 12 hours from the child's parents or, in the case of a nonmarital

1 child whose parents do not subsequently intermarry under s. 767.60, from the child's
2 mother or, if he has been granted legal custody, the child's father, without the consent
3 of the parents, the mother or the father with legal custody, is guilty of a Class E I
4 felony. This subsection is not applicable if legal custody has been granted by court
5 order to the person taking or withholding the child.

6 *~~4548/2.643~~* *~~0590/P5.384~~* **SECTION 921.** 948.31 (3) (intro.) of the statutes
7 is amended to read:

8 948.31 (3) (intro.) Any parent, or any person acting pursuant to directions from
9 the parent, who does any of the following is guilty of a Class C F felony:

10 *~~4548/2.644~~* *~~0590/P5.385~~* **SECTION 922.** 948.35 of the statutes is
11 repealed.

12 *~~4548/2.645~~* *~~0590/P5.386~~* **SECTION 923.** 948.36 of the statutes is
13 repealed.

14 *~~4548/2.646~~* *~~0590/P5.387~~* **SECTION 924.** 948.40 (4) (a) of the statutes is
15 amended to read:

16 948.40 (4) (a) If death is a consequence, the person is guilty of a Class C D
17 felony; or

18 *~~4548/2.647~~* *~~0590/P5.388~~* **SECTION 925.** 948.40 (4) (b) of the statutes is
19 amended to read:

20 948.40 (4) (b) If the child's act which is encouraged or contributed to is a
21 violation of a state or federal criminal law which is punishable as a felony, the person
22 is guilty of a Class D H felony.

23 *~~4548/2.648~~* *~~0590/P5.389~~* **SECTION 926.** 948.51 (3) (b) of the statutes is
24 amended to read:

1 948.51 (3) (b) A Class ~~E~~ H felony if the act results in great bodily harm ~~or death~~
2 to another.

3 *~~4548/2.649~~* *~~0590/P5.390~~* **SECTION 927.** 948.51 (3) (c) of the statutes is
4 created to read:

5 948.51 (3) (c) A Class G felony if the act results in the death of another.

6 *~~4548/2.650~~* *~~0590/P5.391~~* **SECTION 928.** 948.60 (2) (b) of the statutes is
7 amended to read:

8 948.60 (2) (b) Except as provided in par. (c), any person who intentionally sells,
9 loans or gives a dangerous weapon to a person under 18 years of age is guilty of a
10 Class ~~E~~ I felony.

11 *~~4548/2.651~~* *~~0590/P5.392~~* **SECTION 929.** 948.60 (2) (c) of the statutes is
12 amended to read:

13 948.60 (2) (c) Whoever violates par. (b) is guilty of a Class ~~D~~ H felony if the
14 person under 18 years of age under par. (b) discharges the firearm and the discharge
15 causes death to himself, herself or another.

16 *~~4548/2.652~~* *~~0590/P5.393~~* **SECTION 930.** 948.605 (2) (a) of the statutes is
17 amended to read:

18 948.605 (2) (a) Any individual who knowingly possesses a firearm at a place
19 that the individual knows, or has reasonable cause to believe, is a school zone is
20 guilty of a Class ~~A misdemeanor~~ I felony.

21 *~~4548/2.653~~* *~~0590/P5.394~~* **SECTION 931.** 948.605 (3) (a) of the statutes is
22 amended to read:

23 948.605 (3) (a) Any individual who knowingly, or with reckless disregard for
24 the safety of another, discharges or attempts to discharge a firearm at a place the
25 individual knows is a school zone is guilty of a Class ~~D~~ G felony.

1 *~~4548/2.654~~* *~~0590/P5.395~~* **SECTION 932.** 948.605 (4) of the statutes is
2 repealed.

3 *~~4548/2.655~~* *~~0590/P5.396~~* **SECTION 933.** 948.61 (2) (b) of the statutes is
4 amended to read:

5 948.61 (2) (b) A Class ~~E~~ I felony, if the violation is the person's 2nd or
6 subsequent violation of this section within a 5-year period, as measured from the
7 dates the violations occurred.

8 *~~4548/2.656~~* *~~0590/P5.397~~* **SECTION 934.** 948.62 (1) (a) of the statutes is
9 amended to read:

10 948.62 (1) (a) A Class ~~E~~ felony A misdemeanor, if the value of the property docs
11 not exceed \$500.

12 *~~4548/2.657~~* *~~0590/P5.398~~* **SECTION 935.** 948.62 (1) (b) of the statutes is
13 amended to read:

14 948.62 (1) (b) A Class ~~D~~ I felony, if the value of the property exceeds \$500 but
15 does not exceed \$2,500.

16 *~~4548/2.658~~* *~~0590/P5.399~~* **SECTION 936.** 948.62 (1) (bm) of the statutes is
17 created to read:

18 948.62 (1) (bm) A Class H felony, if the value of the property exceeds \$2,500 but
19 does not exceed \$5,000.

20 *~~4548/2.659~~* *~~0590/P5.400~~* **SECTION 937.** 948.62 (1) (c) of the statutes is
21 amended to read:

22 948.62 (1) (c) A Class ~~C~~ G felony, if the value of the property exceeds ~~\$2,500~~
23 \$5,000.

24 *~~4548/2.660~~* *~~0590/P5.401~~* **SECTION 938.** 949.03 (1) (b) of the statutes is
25 amended to read:

1 949.03 (1) (b) The commission or the attempt to commit any crime specified in
2 s. 346.62 (4), 346.63 (2) or (6), 940.01, 940.02, 940.03, 940.05, 940.06, 940.07, 940.08,
3 940.09, 940.10, 940.19, 940.20, 940.201, 940.21, 940.22 (2), 940.225, 940.23, 940.24,
4 940.25, 940.285, 940.29, 940.30, 940.305, 940.31, 940.32, 941.327, 943.02, 943.03,
5 943.04, 943.10, 943.20, 943.23 (1g), ~~(1m) or (1r)~~, 943.32, 948.02, 948.025, 948.03,
6 948.04, 948.07, 948.095, 948.20, 948.30 or 948.51.

7 *~~4548/2.661~~* *~~3370/P2.6~~* **SECTION 939.** 950.04 (1v) (g) of the statutes is
8 amended to read:

9 950.04 (1v) (g) To have reasonable attempts made to notify the victim of
10 hearings or court proceedings, as provided under ss. 302.113 (9g) (g) 2., 302.114 (6),
11 938.27 (4m) and (6), 938.273 (2), 971.095 (3) and 972.14 (3) (b).

12 *~~4548/2.662~~* *~~3370/P2.7~~* **SECTION 940.** 950.04 (1v) (nt) of the statutes is
13 created to read:

14 950.04 (1v) (nt) To attend a hearing on a petition for modification of a
15 bifurcated sentence and provide a statement concerning modification of the
16 bifurcated sentence, as provided under s. 302.113 (9g) (d).

17 *~~4548/2.663~~* *~~0590/P5.402~~* **SECTION 941.** 951.18 (1) of the statutes is
18 amended to read:

19 951.18 (1) Any person violating s. 951.02, 951.025, 951.03, 951.04, 951.05,
20 951.06, 951.07, 951.09, 951.10, 951.11, 951.13, 951.14 or 951.15 is subject to a
21 Class C forfeiture. Any person who violates any of these provisions within 3 years
22 after a humane officer issues an abatement order under s. 173.11 prohibiting the
23 violation of that provision is subject to a Class A forfeiture. Any person who
24 intentionally or negligently violates any of those sections is guilty of a Class A
25 misdemeanor. Any person who intentionally violates s. 951.02, resulting in the

1 mutilation, disfigurement or death of an animal, is guilty of a Class E I felony. Any
2 person who intentionally violates s. 951.02 or 951.06, knowing that the animal that
3 is the victim is used by a law enforcement agency to perform agency functions or
4 duties and causing injury to the animal, is guilty of a Class E I felony.

5 *~~4548/2.664~~* *~~0590/P5.403~~* **SECTION 942.** 951.18 (2) of the statutes is
6 amended to read:

7 951.18 (2) Any person who violates s. 951.08 (2m) or (3) is guilty of a Class A
8 misdemeanor. Any person who violates s. 951.08 (1) or (2) is guilty of a Class E I
9 felony for the first violation and is guilty of a Class D H felony for the 2nd or
10 subsequent violation.

11 *~~4548/2.665~~* *~~0590/P5.404~~* **SECTION 943.** 951.18 (2m) of the statutes is
12 amended to read:

13 951.18 (2m) Any person who violates s. 951.095 is subject to a Class B
14 forfeiture. Any person who intentionally or negligently violates s. 951.095, knowing
15 that the animal that is the victim is used by a law enforcement agency or fire
16 department to perform agency or department functions or duties, is guilty of a Class
17 A misdemeanor. Any person who intentionally violates s. 951.095, knowing that the
18 animal that is the victim is used by a law enforcement agency or fire department to
19 perform agency or department functions or duties and causing injury to the animal,
20 is guilty of a Class E I felony. Any person who intentionally violates s. 951.095,
21 knowing that the animal that is the victim is used by a law enforcement agency or
22 fire department to perform agency or department functions or duties and causing
23 death to the animal, is guilty of a Class D H felony.

24 *~~4548/2.666~~* *~~3265/P1.7~~* **SECTION 944.** 961.41 (1) (intro.) of the statutes is
25 amended to read:

1 961.41 (1) MANUFACTURE, DISTRIBUTION OR DELIVERY. (intro.) Except as
2 authorized by this chapter, it is unlawful for any person to manufacture, distribute
3 or deliver a controlled substance or controlled substance analog. Any person who
4 violates this subsection ~~with respect to~~ is subject to the following penalties:

5 *~~4548/2.667~~* *~~3265/P1.8~~* **SECTION 945.** 961.41 (1) (a) of the statutes is
6 amended to read:

7 961.41 (1) (a) Schedule I and II narcotic drugs generally. Except as provided
8 in par. (d), if a person violates this subsection ~~with respect to~~ a controlled substance
9 included in schedule I or II which is a narcotic drug, or a controlled substance analog
10 of a controlled substance included in schedule I or II which is a narcotic drug, ~~may~~
11 ~~be fined not more than \$25,000 or imprisoned for not more than 22 years and 6~~
12 ~~months or both~~ the person is guilty of a Class E felony.

13 *~~4548/2.668~~* *~~3265/P1.9~~* **SECTION 946.** 961.41 (1) (b) of the statutes, as
14 affected by 2001 Wisconsin Act 16, is amended to read:

15 961.41 (1) (b) Schedule I, II, and III nonnarcotic drugs generally. Except as
16 provided in pars. (cm) and (e) to (hm), ~~if a person violates this subsection with respect~~
17 ~~to~~ any other controlled substance included in schedule I, II, or III, or a controlled
18 substance analog of any other controlled substance included in schedule I or II, ~~may~~
19 ~~be fined not more than \$15,000 or imprisoned for not more than 7 years and 6 months~~
20 ~~or both~~ the person is guilty of a Class H felony.

21 *~~4548/2.669~~* *~~3265/P1.10~~* **SECTION 947.** 961.41 (1) (cm) (intro.) of the
22 statutes is amended to read:

23 961.41 (1) (cm) Cocaine and cocaine base. (intro.) ~~Cocaine~~ If the person violates
24 this subsection with respect to cocaine or cocaine base, or a controlled substance

1 analog of cocaine or cocaine base, ~~is subject to the following penalties if and the~~
2 amount manufactured, distributed, or delivered is:

3 ~~*-4548/2.670* *-3265/P1.11* SECTION 948.~~ 961.41 (1) (cm) 1. of the statutes
4 is renumbered 961.41 (1) (cm) 1r. and amended to read:

5 961.41 (1) (cm) 1r. ~~Five grams or less~~ More than one gram but not more than
6 5 grams, the person shall be fined not more than \$500,000 and may be imprisoned
7 ~~for not more than 15 years~~ is guilty of a Class F felony.

8 ~~*-4548/2.671* *-3265/P1.12* SECTION 949.~~ 961.41 (1) (cm) 1g. of the statutes
9 is created to read:

10 961.41 (1) (cm) 1g. One gram or less, the person is guilty of a Class G felony.

11 ~~*-4548/2.672* *-3265/P1.13* SECTION 950.~~ 961.41 (1) (cm) 2. of the statutes
12 is amended to read:

13 961.41 (1) (cm) 2. More than 5 grams but not more than 15 grams, the person
14 shall be fined not more than \$500,000 and shall be imprisoned for not less than one
15 year ~~nor more than 22 years and 6 months~~ is guilty of a Class E felony.

16 ~~*-4548/2.673* *-3265/P1.14* SECTION 951.~~ 961.41 (1) (cm) 3. of the statutes
17 is amended to read:

18 961.41 (1) (cm) 3. More than 15 grams but not more than 40 grams, the person
19 shall be fined not more than \$500,000 and shall be imprisoned for not less than 3
20 years ~~nor more than 30 years~~ is guilty of a Class D felony.

21 ~~*-4548/2.674* *-3265/P1.15* SECTION 952.~~ 961.41 (1) (cm) 4. of the statutes
22 is amended to read:

23 961.41 (1) (cm) 4. More than 40 grams ~~but not more than 100 grams~~, the person
24 shall be fined not more than \$500,000 and shall be imprisoned for not less than 5
25 years ~~nor more than 45 years~~ is guilty of a Class C felony.

1 *~~4548/2.675~~* *~~3265/P1.16~~* **SECTION 953.** 961.41 (1) (cm) 5. of the statutes
2 is repealed.

3 *~~4548/2.676~~* *~~3265/P1.17~~* **SECTION 954.** 961.41 (1) (d) (intro.) of the
4 statutes is amended to read:

5 961.41 (1) (d) Heroin. (intro.) ~~Heroin~~ If the person violates this subsection with
6 respect to heroin or a controlled substance analog of heroin ~~is subject to the following~~
7 ~~penalties if~~ and the amount manufactured, distributed or delivered is:

8 *~~4548/2.677~~* *~~3265/P1.18~~* **SECTION 955.** 961.41 (1) (d) 1. of the statutes is
9 amended to read:

10 961.41 (1) (d) 1. Three grams or less, the person ~~shall be fined not less than~~
11 ~~\$1,000 nor more than \$200,000 and may be imprisoned for not more than 22 years~~
12 ~~and 6 months~~ is guilty of a Class F felony.

13 *~~4548/2.678~~* *~~3265/P1.19~~* **SECTION 956.** 961.41 (1) (d) 2. of the statutes is
14 amended to read:

15 961.41 (1) (d) 2. More than 3 grams but not more than 10 grams, the person
16 ~~shall be fined not less than \$1,000 nor more than \$250,000 and shall be imprisoned~~
17 ~~for not less than 6 months nor more than 22 years and 6 months~~ is guilty of a Class
18 E felony.

19 *~~4548/2.679~~* *~~3265/P1.20~~* **SECTION 957.** 961.41 (1) (d) 3. of the statutes is
20 amended to read:

21 961.41 (1) (d) 3. More than 10 grams but not more than 50 grams, the person
22 ~~shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned~~
23 ~~for not less than one year nor more than 22 years and 6 months~~ is guilty of a Class
24 D felony.

1 *~~4548/2.680~~* *~~3265/P1.21~~* **SECTION 958.** 961.41 (1) (d) 4. of the statutes is
2 amended to read:

3 961.41 (1) (d) 4. More than 50 grams but ~~not more than 200 grams~~, the person
4 ~~shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned~~
5 ~~for not less than 3 years nor more than 22 years and 6 months~~ is guilty of a Class C
6 felony.

7 *~~4548/2.681~~* *~~3265/P1.22~~* **SECTION 959.** 961.41 (1) (d) 5. of the statutes is
8 repealed.

9 *~~4548/2.682~~* *~~3265/P1.23~~* **SECTION 960.** 961.41 (1) (d) 6. of the statutes is
10 repealed.

11 *~~4548/2.683~~* *~~3265/P1.24~~* **SECTION 961.** 961.41 (1) (e) (intro.) of the
12 statutes is amended to read:

13 961.41 (1) (e) Phencyclidine, amphetamine, methamphetamine, and
14 methcathinone. (intro.) ~~Pheneyelidine~~ If the person violates this subsection with
15 respect to phencyclidine, amphetamine, methamphetamine, or methcathinone, or a
16 controlled substance analog of phencyclidine, amphetamine, methamphetamine, or
17 methcathinone, is subject to the following penalties if and the amount
18 manufactured, distributed, or delivered is:

19 *~~4548/2.684~~* *~~3265/P1.25~~* **SECTION 962.** 961.41 (1) (e) 1. of the statutes is
20 amended to read:

21 961.41 (1) (e) 1. Three grams or less, the person ~~shall be fined not less than~~
22 ~~\$1,000 nor more than \$200,000 and may be imprisoned for not more than 7 years and~~
23 ~~6 months~~ is guilty of a Class F felony.

24 *~~4548/2.685~~* *~~3265/P1.26~~* **SECTION 963.** 961.41 (1) (e) 2. of the statutes is
25 amended to read:

1 961.41 (1) (e) 2. More than 3 grams but not more than 10 grams, the person
2 ~~shall be fined not less than \$1,000 nor more than \$250,000 and shall be imprisoned~~
3 ~~for not less than 6 months nor more than 7 years and 6 months~~ is guilty of a Class
4 E felony.

5 *~~4548/2.686~~* *~~3265/P1.27~~* **SECTION 964.** 961.41 (1) (e) 3. of the statutes is
6 amended to read:

7 961.41 (1) (e) 3. More than 10 grams but not more than 50 grams, the person
8 ~~shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned~~
9 ~~for not less than one year nor more than 22 years and 6 months~~ is guilty of a Class
10 D felony.

11 *~~4548/2.687~~* *~~3265/P1.28~~* **SECTION 965.** 961.41 (1) (e) 4. of the statutes is
12 amended to read:

13 961.41 (1) (e) 4. More than 50 grams ~~but not more than 200 grams~~, the person
14 ~~shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned~~
15 ~~for not less than 3 years nor more than 22 years and 6 months~~ is guilty of a Class C
16 felony.

17 *~~4548/2.688~~* *~~3265/P1.29~~* **SECTION 966.** 961.41 (1) (e) 5. of the statutes is
18 repealed.

19 *~~4548/2.689~~* *~~3265/P1.30~~* **SECTION 967.** 961.41 (1) (e) 6. of the statutes is
20 repealed.

21 *~~4548/2.690~~* **SECTION 968.** 961.41 (1) (em) of the statutes is repealed.

22 *~~4548/2.691~~* *~~3265/P1.31~~* **SECTION 969.** 961.41 (1) (f) (intro.) of the
23 statutes is amended to read:

24 961.41 (1) (f) Lysergic acid diethylamide. (intro.) Lysergie If the person violates
25 this subsection with respect to lysergic acid diethylamide or a controlled substance

1 analog of lysergic acid diethylamide is subject to the following penalties if and the
2 amount manufactured, distributed, or delivered is:

3 ~~*-4548/2.692* *-3265/P1.32*~~ SECTION 970. 961.41 (1) (f) 1. of the statutes is
4 amended to read:

5 961.41 (1) (f) 1. One gram or less, the person shall be fined not less than \$1,000
6 nor more than \$200,000 and may be imprisoned for not more than 7 years and 6
7 months is guilty of a Class G felony.

8 ~~*-4548/2.693* *-3265/P1.33*~~ SECTION 971. 961.41 (1) (f) 2. of the statutes is
9 amended to read:

10 961.41 (1) (f) 2. More than one gram but not more than 5 grams, the person shall
11 be fined not less than \$1,000 nor more than \$250,000 and shall be imprisoned for not
12 less than 6 months nor more than 7 years and 6 months is guilty of a Class F felony.

13 ~~*-4548/2.694* *-3265/P1.34*~~ SECTION 972. 961.41 (1) (f) 3. of the statutes is
14 amended to read:

15 961.41 (1) (f) 3. More than 5 grams, the person shall be fined not less than
16 \$1,000 nor more than \$500,000 and shall be imprisoned for not less than one year
17 nor more than 22 years and 6 months is guilty of a Class E felony.

18 ~~*-4548/2.695* *-3265/P1.35*~~ SECTION 973. 961.41 (1) (g) (intro.) of the
19 statutes is amended to read:

20 961.41 (1) (g) *Psilocin and psilocybin.* (intro.) Psilocin If the person violates
21 this subsection with respect to psilocin or psilocybin, or a controlled substance analog
22 of psilocin or psilocybin, is subject to the following penalties if and the amount
23 manufactured, distributed or delivered is:

24 ~~*-4548/2.696* *-3265/P1.36*~~ SECTION 974. 961.41 (1) (g) 1. of the statutes is
25 amended to read:

1 961.41 (1) (g) 1. One hundred grams or less, the person shall be fined not less
2 than ~~\$1,000 nor more than \$200,000 and may be imprisoned for not more than 7~~
3 ~~years and 6 months~~ is guilty of a Class G felony.

4 *~~4548/2.697~~* *~~3265/P1.37~~* SECTION 975. 961.41 (1) (g) 2. of the statutes is
5 amended to read:

6 961.41 (1) (g) 2. More than 100 grams but not more than 500 grams, the person
7 shall be fined not less than ~~\$1,000 nor more than \$250,000 and shall be imprisoned~~
8 ~~for not less than 6 months nor more than 7 years and 6 months~~ is guilty of a Class
9 F felony.

10 *~~4548/2.698~~* *~~3265/P1.38~~* SECTION 976. 961.41 (1) (g) 3. of the statutes is
11 amended to read:

12 961.41 (1) (g) 3. More than 500 grams, the person shall be fined not less than
13 ~~\$1,000 nor more than \$500,000 and shall be imprisoned for not less than one year~~
14 ~~nor more than 22 years and 6 months~~ is guilty of a Class E felony.

15 *~~4548/2.699~~* *~~3265/P1.39~~* SECTION 977. 961.41 (1) (h) (intro.) of the
16 statutes is amended to read:

17 961.41 (1) (h) Tetrahydrocannabinols. (intro.) Tetrahydrocannabinols If the
18 person violates this subsection with respect to tetrahydrocannabinols, included
19 under s. 961.14 (4) (t), or a controlled substance analog of tetrahydrocannabinols, is
20 subject to the following penalties if and the amount manufactured, distributed or
21 delivered is:

22 *~~4548/2.700~~* *~~3265/P1.40~~* SECTION 978. 961.41 (1) (h) 1. of the statutes is
23 amended to read:

24 961.41 (1) (h) 1. Five Two hundred grams or less, or ~~10~~ 4 or fewer plants
25 containing tetrahydrocannabinols, the person shall be fined not less than ~~\$500 nor~~

1 ~~more than \$25,000 and may be imprisoned for not more than 4 years and 6 months~~
2 ~~is guilty of a Class I felony.~~

3 *~~4548/2.701~~* *~~3265/P1.41~~* **SECTION 979.** 961.41 (1) (h) 2. of the statutes is
4 amended to read:

5 961.41 (1) (h) 2. More than ~~500~~ 200 grams but not more than ~~2,500~~ 1,000 grams,
6 or more than ~~10~~ 4 plants containing tetrahydrocannabinols but not more than ~~50~~ 20
7 plants containing tetrahydrocannabinols, the person shall be ~~fined not less than~~
8 ~~\$1,000 nor more than \$50,000 and shall be imprisoned for not less than 3 months nor~~
9 ~~more than 7 years and 6 months~~ is guilty of a Class H felony.

10 *~~4548/2.702~~* *~~3265/P1.42~~* **SECTION 980.** 961.41 (1) (h) 3. of the statutes is
11 amended to read:

12 961.41 (1) (h) 3. More than ~~2,500~~ 1,000 grams ~~but not more than 2,500 grams,~~
13 or more than ~~50~~ 20 plants containing tetrahydrocannabinols ~~but not more than 50~~
14 ~~plants containing tetrahydrocannabinols,~~ the person shall be ~~fined not less than~~
15 ~~\$1,000 nor more than \$100,000 and shall be imprisoned for not less than one year~~
16 ~~nor more than 15 years~~ is guilty of a Class G felony.

17 *~~4548/2.703~~* *~~3265/P1.43~~* **SECTION 981.** 961.41 (1) (h) 4. of the statutes is
18 created to read:

19 961.41 (1) (h) 4. More than 2,500 grams but not more than 10,000 grams, or
20 more than 50 plants containing tetrahydrocannabinols but not more than 200 plants
21 containing tetrahydrocannabinols, the person is guilty of a Class F felony.

22 *~~4548/2.704~~* *~~3265/P1.44~~* **SECTION 982.** 961.41 (1) (h) 5. of the statutes is
23 created to read:

24 961.41 (1) (h) 5. More than 10,000 grams, or more than 200 plants containing
25 tetrahydrocannabinols, the person is guilty of a Class E felony.

1 *~~4548/2.705~~* **SECTION 983.** 961.41 (1) (hm) (intro.) of the statutes, as affected
2 by 2001 Wisconsin Act 16, is amended to read:

3 961.41 (1) (hm) Certain other schedule I controlled substances and ketamine.
4 (intro.) ~~Gamma-hydroxybutyric~~ If the person violates this subsection with respect
5 to ~~gamma-hydroxybutyric~~ acid, gamma-butyrolactone,
6 3,4-methylenedioxymethamphetamine,
7 4-bromo-2,5-dimethoxy-beta-phenylethylamine, 4-methylthioamphetamine,
8 ketamine, or a controlled substance analog of gamma-hydroxybutyric acid,
9 gamma-butyrolactone, 3,4-methylenedioxymethamphetamine,
10 4-bromo-2,5-dimethoxy-beta-phenylethylamine, or 4-methylthioamphetamine is
11 ~~subject to the following penalties if~~ and the amount manufactured, distributed, or
12 delivered is:

13 *~~4548/2.706~~* **SECTION 984.** 961.41 (1) (hm) 1. of the statutes, as created by
14 2001 Wisconsin Act 16, is amended to read:

15 961.41 (1) (hm) 1. Three grams or less, the person shall be fined not less than
16 \$1,000 nor more than \$200,000 and may be imprisoned for not more than 7 years and
17 6 months is guilty of a Class F felony.

18 *~~4548/2.707~~* **SECTION 985.** 961.41 (1) (hm) 2. of the statutes, as created by
19 2001 Wisconsin Act 16, is amended to read:

20 961.41 (1) (hm) 2. More than 3 grams but not more than 10 grams, the person
21 shall be fined not less than \$1,000 nor more than \$250,000 and shall be imprisoned
22 for not less than 6 months nor more than 7 years and 6 months is guilty of a Class
23 E felony.

24 *~~4548/2.708~~* **SECTION 986.** 961.41 (1) (hm) 3. of the statutes, as created by
25 2001 Wisconsin Act 16, is amended to read:

1 961.41 (1) (hm) 3. More than 10 grams but not more than 50 grams, the person
2 ~~shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned~~
3 ~~for not less than one year nor more than 22 years and 6 months~~ is guilty of a Class
4 D felony.

5 *~~4548/2.709~~* **SECTION 987.** 961.41 (1) (hm) 4. of the statutes, as created by
6 2001 Wisconsin Act 16, is amended to read:

7 961.41 (1) (hm) 4. More than 50 grams but ~~not more than 200 grams~~, the person
8 ~~shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned~~
9 ~~for not less than 3 years nor more than 22 years and 6 months~~ is guilty of a Class C
10 felony.

11 *~~4548/2.710~~* **SECTION 988.** 961.41 (1) (hm) 5. of the statutes, as created by
12 2001 Wisconsin Act 16, is repealed.

13 *~~4548/2.711~~* **SECTION 989.** 961.41 (1) (hm) 6. of the statutes, as created by
14 2001 Wisconsin Act 16, is repealed.

15 *~~4548/2.712~~* *~~3265/P1.45~~* **SECTION 990.** 961.41 (1) (i) of the statutes is
16 amended to read:

17 961.41 (1) (i) Schedule IV drugs generally. Except as provided in par. (im), if
18 a person violates this subsection with respect to a substance included in schedule IV,
19 may be fined not more than \$10,000 or imprisoned for not more than 4 years and 6
20 months or both the person is guilty of a Class H felony.

21 *~~4548/2.713~~* **SECTION 991.** 961.41 (1) (im) (intro.) of the statutes, as affected
22 by 2001 Wisconsin Act 16, is amended to read:

23 961.41 (1) (im) Flunitrazepam. (intro.) ~~Flunitrazepam is subject to the~~
24 ~~following penalties if~~ If a person violates this subsection with respect to
25 flunitrazepam and the amount manufactured, distributed, or delivered is:

1 *~~4548/2.714~~* **SECTION 992.** 961.41 (1) (im) 1. of the statutes, as created by
2 2001 Wisconsin Act 16, is amended to read:

3 961.41 (1) (im) 1. Three grams or less, the person ~~shall be fined not less than~~
4 ~~\$1,000 nor more than \$200,000 and may be imprisoned for not more than 7 years and~~
5 ~~6 months~~ is guilty of a Class F felony.

6 *~~4548/2.715~~* **SECTION 993.** 961.41 (1) (im) 2. of the statutes, as created by
7 2001 Wisconsin Act 16, is amended to read:

8 961.41 (1) (im) 2. More than 3 grams but not more than 10 grams, the person
9 ~~shall be fined not less than \$1,000 nor more than \$250,000 and shall be imprisoned~~
10 ~~for not less than 6 months nor more than 7 years and 6 months~~ is guilty of a Class
11 E felony.

12 *~~4548/2.716~~* **SECTION 994.** 961.41 (1) (im) 3. of the statutes, as created by
13 2001 Wisconsin Act 16, is amended to read:

14 961.41 (1) (im) 3. More than 10 grams but not more than 50 grams, the person
15 ~~shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned~~
16 ~~for not less than one year nor more than 22 years and 6 months~~ is guilty of a Class
17 D felony.

18 *~~4548/2.717~~* **SECTION 995.** 961.41 (1) (im) 4. of the statutes, as created by
19 2001 Wisconsin Act 16, is amended to read:

20 961.41 (1) (im) 4. More than 50 grams ~~but not more than 200 grams~~, the person
21 ~~shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned~~
22 ~~for not less than 3 years nor more than 22 years and 6 months~~ is guilty of a Class C
23 felony.

24 *~~4548/2.718~~* **SECTION 996.** 961.41 (1) (im) 5. of the statutes, as created by
25 2001 Wisconsin Act 16, is repealed.

1 *~~4548/2.719~~* **SECTION 997.** 961.41 (1) (im) 6. of the statutes, as created by
2 2001 Wisconsin Act 16, is repealed.

3 *~~4548/2.720~~* *~~3265/P1.46~~* **SECTION 998.** 961.41 (1) (j) of the statutes is
4 amended to read:

5 961.41 (1) (j) Schedule V drugs. ~~A~~ If a person violates this subsection with
6 respect to a substance included in schedule V, may be fined not more than \$5,000 or
7 imprisoned for not more than 2 years or both the person is guilty of a Class I felony.

8 *~~4548/2.721~~* *~~3265/P1.47~~* **SECTION 999.** 961.41 (1m) (intro.) of the statutes
9 is amended to read:

10 961.41 (1m) POSSESSION WITH INTENT TO MANUFACTURE, DISTRIBUTE OR DELIVER.
11 (intro.) Except as authorized by this chapter, it is unlawful for any person to possess,
12 with intent to manufacture, distribute or deliver, a controlled substance or a
13 controlled substance analog. Intent under this subsection may be demonstrated by,
14 without limitation because of enumeration, evidence of the quantity and monetary
15 value of the substances possessed, the possession of manufacturing implements or
16 paraphernalia, and the activities or statements of the person in possession of the
17 controlled substance or a controlled substance analog prior to and after the alleged
18 violation. Any person who violates this subsection ~~with respect to~~ is subject to the
19 following penalties:

20 *~~4548/2.722~~* *~~3265/P1.48~~* **SECTION 1000.** 961.41 (1m) (a) of the statutes is
21 amended to read:

22 961.41 (1m) (a) Schedule I and II narcotic drugs generally. Except as provided
23 in par. (d), if a person violates this subsection with respect to a controlled substance
24 included in schedule I or II which is a narcotic drug or a controlled substance analog
25 of a controlled substance included in schedule I or II which is a narcotic drug, ~~may~~

1 ~~be fined not more than \$25,000 or imprisoned for not more than 22 years and 6~~
2 ~~months or both~~ the person is guilty of a Class E felony.

3 *~~4548/2.723~~* *~~3265/P1.49~~* **SECTION 1001.** 961.41 (1m) (b) of the statutes,
4 as affected by 2001 Wisconsin Act 16, is amended to read:

5 961.41 (1m) (b) Schedule I, II, and III nonnarcotic drugs generally. Except as
6 provided in pars. (cm) and (e) to (hm), if a person violates this subsection with respect
7 to any other controlled substance included in schedule I, II, or III, or a controlled
8 substance analog of any other controlled substance included in schedule I or II, ~~may~~
9 ~~be fined not more than \$15,000 or imprisoned for not more than 7 years and 6 months~~
10 ~~or both~~ the person is guilty of a Class H felony.

11 *~~4548/2.724~~* *~~3265/P1.50~~* **SECTION 1002.** 961.41 (1m) (cm) (intro.) of the
12 statutes is amended to read:

13 961.41 (1m) (cm) Cocaine and cocaine base. (intro.) ~~Cocaine~~ If a person violates
14 this subsection with respect to cocaine or cocaine base, or a controlled substance
15 analog of cocaine or cocaine base, is subject to the following penalties if and the
16 amount possessed, with intent to manufacture, distribute or deliver, is:

17 *~~4548/2.725~~* *~~3265/P1.51~~* **SECTION 1003.** 961.41 (1m) (cm) 1. of the
18 statutes is renumbered 961.41 (1m) (cm) 1r. and amended to read:

19 961.41 (1m) (cm) 1r. ~~Five grams or less~~ More than one gram but not more than
20 5 grams, the person shall be fined not more than \$500,000 and may be imprisoned
21 ~~for not more than 15 years~~ is guilty of a Class F felony.

22 *~~4548/2.726~~* *~~3265/P1.52~~* **SECTION 1004.** 961.41 (1m) (cm) 1g. of the
23 statutes is created to read:

24 961.41 (1m) (cm) 1g. One gram or less, the person is guilty of a Class G felony.

1 *~~4548/2.727~~* *~~3265/P1.53~~* **SECTION 1005.** 961.41 (1m) (cm) 2. of the
2 statutes is amended to read:

3 961.41 (1m) (cm) 2. More than 5 grams but not more than 15 grams, the person
4 shall be ~~fined not more than \$500,000 and shall be imprisoned for not less than one~~
5 ~~year nor more than 22 years and 6 months~~ is guilty of a Class E felony.

6 *~~4548/2.728~~* *~~3265/P1.54~~* **SECTION 1006.** 961.41 (1m) (cm) 3. of the
7 statutes is amended to read:

8 961.41 (1m) (cm) 3. More than 15 grams but not more than 40 grams, the
9 person shall be ~~fined not more than \$500,000 and shall be imprisoned for not less~~
10 ~~than 3 years nor more than 30 years~~ is guilty of a Class D felony.

11 *~~4548/2.729~~* *~~3265/P1.55~~* **SECTION 1007.** 961.41 (1m) (cm) 4. of the
12 statutes is amended to read:

13 961.41 (1m) (cm) 4. More than 40 grams but ~~not more than 100 grams~~, the
14 person shall be ~~fined not more than \$500,000 and shall be imprisoned for not less~~
15 ~~than 5 years nor more than 45 years~~ is guilty of a Class C felony.

16 *~~4548/2.730~~* *~~3265/P1.56~~* **SECTION 1008.** 961.41 (1m) (cm) 5. of the
17 statutes is repealed.

18 *~~4548/2.731~~* *~~3265/P1.57~~* **SECTION 1009.** 961.41 (1m) (d) (intro.) of the
19 statutes is amended to read:

20 961.41 (1m) (d) Heroin. (intro.) Heroin If a person violates this subsection with
21 respect to heroin or a controlled substance analog of heroin is subject to the following
22 penalties if and the amount possessed, with intent to manufacture, distribute or
23 deliver, is:

24 *~~4548/2.732~~* *~~3265/P1.58~~* **SECTION 1010.** 961.41 (1m) (d) 1. of the statutes
25 is amended to read:

1 961.41 (1m) (d) 1. Three grams or less, the person shall be fined not less than
2 \$1,000 nor more than \$100,000 and may be imprisoned for not more than 22 years
3 and 6 months is guilty of a Class F felony.

4 *~~4548/2.733~~* *~~3265/P1.59~~* **SECTION 1011.** 961.41 (1m) (d) 2. of the statutes
5 is amended to read:

6 961.41 (1m) (d) 2. More than 3 grams but not more than 10 grams, the person
7 shall be fined not less than \$1,000 nor more than \$200,000 and shall be imprisoned
8 for not less than 6 months nor more than 22 years and 6 months is guilty of a Class
9 E felony.

10 *~~4548/2.734~~* *~~3265/P1.60~~* **SECTION 1012.** 961.41 (1m) (d) 3. of the statutes
11 is amended to read:

12 961.41 (1m) (d) 3. More than 10 grams but not more than 50 grams, the person
13 shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned
14 for not less than one year nor more than 22 years and 6 months is guilty of a Class
15 D felony.

16 *~~4548/2.735~~* *~~3265/P1.61~~* **SECTION 1013.** 961.41 (1m) (d) 4. of the statutes
17 is amended to read:

18 961.41 (1m) (d) 4. More than 50 grams but not more than 200 grams, the person
19 shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned
20 for not less than 3 years nor more than 22 years and 6 months is guilty of a Class C
21 felony.

22 *~~4548/2.736~~* *~~3265/P1.62~~* **SECTION 1014.** 961.41 (1m) (d) 5. of the statutes
23 is repealed.

24 *~~4548/2.737~~* *~~3265/P1.63~~* **SECTION 1015.** 961.41 (1m) (d) 6. of the statutes
25 is repealed.

1 *~~4548/2.738~~* *~~3265/P1.64~~* **SECTION 1016.** 961.41 (1m) (e) (intro.) of the
2 statutes is amended to read:

3 961.41 (1m) (e) Phencyclidine, amphetamine, methamphetamine, and
4 methcathinone. (intro.) ~~Phencyclidine~~ If a person violates this subsection with
5 respect to phencyclidine, amphetamine, methamphetamine, or methcathinone, or a
6 controlled substance analog of phencyclidine, amphetamine, methamphetamine, or
7 methcathinone, is subject to the following penalties if and the amount possessed,
8 with intent to manufacture, distribute, or deliver, is:

9 *~~4548/2.739~~* *~~3265/P1.65~~* **SECTION 1017.** 961.41 (1m) (e) 1. of the statutes
10 is amended to read:

11 961.41 (1m) (e) 1. ~~Three grams or less, the person shall be fined not less than~~
12 ~~\$1,000 nor more than \$100,000 and may be imprisoned for not more than 7 years and~~
13 ~~6 months is guilty of a Class F felony.~~

14 *~~4548/2.740~~* *~~3265/P1.66~~* **SECTION 1018.** 961.41 (1m) (e) 2. of the statutes
15 is amended to read:

16 961.41 (1m) (e) 2. ~~More than 3 grams but not more than 10 grams, the person~~
17 ~~shall be fined not less than \$1,000 nor more than \$200,000 and shall be imprisoned~~
18 ~~for not less than 6 months nor more than 7 years and 6 months is guilty of a Class~~
19 ~~E felony.~~

20 *~~4548/2.741~~* *~~3265/P1.67~~* **SECTION 1019.** 961.41 (1m) (e) 3. of the statutes
21 is amended to read:

22 961.41 (1m) (e) 3. ~~More than 10 grams but not more than 50 grams, the person~~
23 ~~shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned~~
24 ~~for not less than one year nor more than 22 years and 6 months is guilty of a Class~~
25 ~~D felony.~~

1 *~~4548/2.742~~* *~~3265/P1.68~~* **SECTION 1020.** 961.41 (1m) (e) 4. of the statutes
2 is amended to read:

3 961.41 (1m) (e) 4. More than 50 grams but not more than 200 grams, the person
4 shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned
5 for not less than 3 years nor more than 22 years and 6 months is guilty of a Class C
6 felony.

7 *~~4548/2.743~~* *~~3265/P1.69~~* **SECTION 1021.** 961.41 (1m) (e) 5. of the statutes
8 is repealed.

9 *~~4548/2.744~~* *~~3265/P1.70~~* **SECTION 1022.** 961.41 (1m) (e) 6. of the statutes
10 is repealed.

11 *~~4548/2.745~~* **SECTION 1023.** 961.41 (1m) (em) of the statutes is repealed.

12 *~~4548/2.746~~* *~~3265/P1.71~~* **SECTION 1024.** 961.41 (1m) (f) (intro.) of the
13 statutes is amended to read:

14 961.41 (1m) (f) Lysergic acid diethylamide. (intro.) Lysergie If a person violates
15 this subsection with respect to lysergic acid diethylamide or a controlled substance
16 analog of lysergic acid diethylamide is subject to the following penalties if and the
17 amount possessed, with intent to manufacture, distribute or deliver, is:

18 *~~4548/2.747~~* *~~3265/P1.72~~* **SECTION 1025.** 961.41 (1m) (f) 1. of the statutes
19 is amended to read:

20 961.41 (1m) (f) 1. One gram or less, the person shall be fined not less than
21 \$1,000 nor more than \$100,000 and may be imprisoned for not more than 7 years and
22 6 months is guilty of a Class G felony.

23 *~~4548/2.748~~* *~~3265/P1.73~~* **SECTION 1026.** 961.41 (1m) (f) 2. of the statutes
24 is amended to read:

1 961.41 (1m) (f) 2. More than one gram but not more than 5 grams, the person
2 ~~shall be fined not less than \$1,000 nor more than \$200,000 and shall be imprisoned~~
3 ~~for not less than 6 months nor more than 7 years and 6 months~~ is guilty of a Class
4 F felony.

5 *~~4548/2.749~~* *~~3265/P1.74~~* **SECTION 1027.** 961.41 (1m) (f) 3. of the statutes
6 is amended to read:

7 961.41 (1m) (f) 3. More than 5 grams, the person ~~shall be fined not less than~~
8 ~~\$1,000 nor more than \$500,000 and shall be imprisoned for not less than one year~~
9 ~~nor more than 22 years and 6 months~~ is guilty of a Class E felony.

10 *~~4548/2.750~~* *~~3265/P1.75~~* **SECTION 1028.** 961.41 (1m) (g) (intro.) of the
11 statutes is amended to read:

12 961.41 (1m) (g) Psilocin and psilocybin. (intro.) ~~Psilocin~~ If a person violates
13 this subsection with respect to psilocin or psilocybin, or a controlled substance analog
14 of psilocin or psilocybin, is subject to the following penalties if and the amount
15 possessed, with intent to manufacture, distribute or deliver, is:

16 *~~4548/2.751~~* *~~3265/P1.76~~* **SECTION 1029.** 961.41 (1m) (g) 1. of the statutes
17 is amended to read:

18 961.41 (1m) (g) 1. One hundred grams or less, the person ~~shall be fined not less~~
19 ~~than \$1,000 nor more than \$100,000 and may be imprisoned for not more than 7~~
20 ~~years and 6 months~~ is guilty of a Class G felony.

21 *~~4548/2.752~~* *~~3265/P1.77~~* **SECTION 1030.** 961.41 (1m) (g) 2. of the statutes
22 is amended to read:

23 961.41 (1m) (g) 2. More than 100 grams but not more than 500 grams, the
24 ~~person shall be fined not less than \$1,000 nor more than \$200,000 and shall be~~

1 ~~imprisoned for not less than 6 months nor more than 7 years and 6 months is guilty~~
2 ~~of a Class F felony.~~

3 *~~4548/2.753~~* *~~3265/P1.78~~* **SECTION 1031.** 961.41 (1m) (g) 3. of the statutes
4 is amended to read:

5 961.41 (1m) (g) 3. More than 500 grams, the person shall be fined not less than
6 \$1,000 nor more than \$500,000 and shall be imprisoned for not less than one year
7 nor more than 22 years and 6 months is guilty of a Class E felony.

8 *~~4548/2.754~~* *~~3265/P1.79~~* **SECTION 1032.** 961.41 (1m) (h) (intro.) of the
9 statutes is amended to read:

10 961.41 (1m) (h) Tetrahydrocannabinols. (intro.) Tetrahydrocannabinols If a
11 person violates this subsection with respect to tetrahydrocannabinols, included
12 under s. 961.14 (4) (t), or a controlled substance analog of tetrahydrocannabinols, is
13 subject to the following penalties if and the amount possessed, with intent to
14 manufacture, distribute, or deliver, is:

15 *~~4548/2.755~~* *~~3265/P1.80~~* **SECTION 1033.** 961.41 (1m) (h) 1. of the statutes
16 is amended to read:

17 961.41 (1m) (h) 1. ~~Five~~ Two hundred grams or less, or ~~10~~ 4 or fewer plants
18 containing tetrahydrocannabinols, the person shall be fined not less than \$500 nor
19 more than \$25,000 and may be imprisoned for not more than 4 years and 6 months
20 is guilty of a Class I felony.

21 *~~4548/2.756~~* *~~3265/P1.81~~* **SECTION 1034.** 961.41 (1m) (h) 2. of the statutes
22 is amended to read:

23 961.41 (1m) (h) 2. More than 500 200 grams but not more than ~~2,500~~ 1,000
24 grams, or more than ~~10~~ 4 plants containing tetrahydrocannabinols but not more than
25 ~~50~~ 20 plants containing tetrahydrocannabinols, the person shall be ~~fined not less~~

1 ~~than \$1,000 nor more than \$50,000 and shall be imprisoned for not less than 3~~
2 ~~months nor more than 7 years and 6 months~~ is guilty of a Class H felony.

3 ~~*-4548/2.757* *-3265/P1.82*~~ **SECTION 1035.** 961.41 (1m) (h) 3. of the statutes
4 is amended to read:

5 961.41 (1m) (h) 3. More than ~~2,500~~ 1,000 grams ~~but not more than 2,500 grams,~~
6 ~~or more than 50~~ 20 plants containing tetrahydrocannabinols ~~but not more than 50~~
7 ~~plants containing tetrahydrocannabinols,~~ the person shall be fined not less than
8 \$1,000 ~~nor more than \$100,000 and shall be imprisoned for not less than one year~~
9 ~~nor more than 15 years~~ is guilty of a Class G felony.

10 ~~*-4548/2.758* *-3265/P1.83*~~ **SECTION 1036.** 961.41 (1m) (h) 4. of the statutes
11 is created to read:

12 961.41 (1m) (h) 4. More than 2,500 grams but not more than 10,000 grams, or
13 more than 50 plants containing tetrahydrocannabinols but not more than 200 plants
14 containing tetrahydrocannabinols, the person is guilty of a Class F felony.

15 ~~*-4548/2.759* *-3265/P1.84*~~ **SECTION 1037.** 961.41 (1m) (h) 5. of the statutes
16 is created to read:

17 961.41 (1m) (h) 5. More than 10,000 grams, or more than 200 plants containing
18 tetrahydrocannabinols, the person is guilty of a Class E felony.

19 ~~*-4548/2.760*~~ **SECTION 1038.** 961.41 (1m) (hm) (intro.) of the statutes, as
20 created by 2001 Wisconsin Act 16, is amended to read:

21 961.41 (1m) (hm) Certain other schedule I controlled substances and ketamine.
22 (intro.) ~~Gamma-hydroxybutyric~~ If the person violates this subsection with respect
23 to ~~gamma-hydroxybutyric~~ acid, ~~gamma-butyrolactone,~~
24 ~~3,4-methylenedioxymethamphetamine~~
~~4-bromo-2,5-dimethoxy-beta-phenylethylamine,~~ 4-methylthioamphetamine,

1 ketamine, or a controlled substance analog of gamma-hydroxybutyric acid,
2 gamma-butyrolactone, 3,4-methylenedioxymethamphetamine
3 4-bromo-2,5-dimethoxy-beta-phenylethylamine, or 4-methylthioamphetamine is
4 subject to the following penalties if the amount possessed, with intent to
5 manufacture, distribute, or deliver is:

6 *~~4548/2.761~~* **SECTION 1039.** 961.41 (1m) (hm) 1. of the statutes, as created
7 by 2001 Wisconsin Act 16, is amended to read:

8 961.41 (1m) (hm) 1. Three grams or less, the person ~~shall be fined not less than~~
9 ~~\$1,000 nor more than \$200,000 and may be imprisoned for not more than 7 years and~~
10 ~~6 months~~ is guilty of a Class F felony.

11 *~~4548/2.762~~* **SECTION 1040.** 961.41 (1m) (hm) 2. of the statutes, as created
12 by 2001 Wisconsin Act 16, is amended to read:

13 961.41 (1m) (hm) 2. More than 3 grams but not more than 10 grams, the person
14 ~~shall be fined not less than \$1,000 nor more than \$250,000 and shall be imprisoned~~
15 ~~for not less than 6 months nor more than 7 years and 6 months~~ is guilty of a Class
16 E felony.

17 *~~4548/2.763~~* **SECTION 1041.** 961.41 (1m) (hm) 3. of the statutes, as created
18 by 2001 Wisconsin Act 16, is amended to read:

19 961.41 (1m) (hm) 3. More than 10 grams but not more than 50 grams, the
20 ~~person shall be fined not less than \$1,000 nor more than \$500,000 and shall be~~
21 ~~imprisoned for not less than one year nor more than 22 years and 6 months~~ is guilty
22 of a Class D felony.

23 *~~4548/2.764~~* **SECTION 1042.** 961.41 (1m) (hm) 4. of the statutes, as created
24 by 2001 Wisconsin Act 16, is amended to read:

1 961.41 (1m) (hm) 4. More than 50 grams but not more than 200 grams, the
2 person shall be fined not less than \$1,000 nor more than \$500,000 and shall be
3 imprisoned for not less than 3 years nor more than 22 years and 6 months is guilty
4 of a Class C felony.

5 *~~4548/2.765~~* **SECTION 1043.** 961.41 (1m) (hm) 5. of the statutes, as created
6 by 2001 Wisconsin Act 16, is repealed.

7 *~~4548/2.766~~* **SECTION 1044.** 961.41 (1m) (hm) 6. of the statutes, as created
8 by 2001 Wisconsin Act 16, is repealed.

9 *~~4548/2.767~~* *~~3265/P1.85~~* **SECTION 1045.** 961.41 (1m) (i) of the statutes is
10 amended to read:

11 961.41 (1m) (i) Schedule IV drugs generally. Except as provided in par. (im),
12 if a person violates this subsection with respect to a substance included in schedule
13 IV, may be fined not more than \$10,000 or imprisoned for not more than 4 years and
14 6 months or both the person is guilty of a Class H felony.

15 *~~4548/2.768~~* **SECTION 1046.** 961.41 (1m) (im) (intro.) of the statutes, as
16 affected by 2001 Wisconsin Act 16, is amended to read:

17 961.41 (1m) (im) Flunitrazepam. (intro.) Flunitrazepam is subject to the
18 following penalties if If a person violates this subsection with respect to
19 flunitrazepam and the amount possessed, with intent to manufacture, distribute, or
20 deliver, is:

21 *~~4548/2.769~~* **SECTION 1047.** 961.41 (1m) (im) 1. of the statutes, as created by
22 2001 Wisconsin Act 16, is amended to read:

23 961.41 (1m) (im) 1. Three grams or less, the person shall be fined not less than
24 \$1,000 nor more than \$200,000 and may be imprisoned for not more than 7 years and
25 6 months is guilty of a Class F felony.

1 *~~4548/2.770~~* **SECTION 1048.** 961.41 (1m) (im) 2. of the statutes, as created by
2 2001 Wisconsin Act 16, is amended to read:

3 961.41 (1m) (im) 2. More than 3 grams but not more than 10 grams, the person
4 shall be fined not less than \$1,000 nor more than \$250,000 and shall be imprisoned
5 for not less than 6 months nor more than 7 years and 6 months is guilty of a Class
6 E felony.

7 *~~4548/2.771~~* **SECTION 1049.** 961.41 (1m) (im) 3. of the statutes, as created by
8 2001 Wisconsin Act 16, is amended to read:

9 961.41 (1m) (im) 3. More than 10 grams but not more than 50 grams, the person
10 shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned
11 for not less than one year nor more than 22 years and 6 months is guilty of a Class
12 D felony.

13 *~~4548/2.772~~* **SECTION 1050.** 961.41 (1m) (im) 4. of the statutes, as created by
14 2001 Wisconsin Act 16, is amended to read:

15 961.41 (1m) (im) 4. More than 50 grams ~~but not more than 200 grams~~, the
16 person shall be fined not less than \$1,000 nor more than \$500,000 and shall be
17 imprisoned for not less than 3 years nor more than 22 years and 6 months is guilty
18 of a Class C felony.

19 *~~4548/2.773~~* **SECTION 1051.** 961.41 (1m) (im) 5. of the statutes, as created by
20 2001 Wisconsin Act 16, is repealed.

21 *~~4548/2.774~~* **SECTION 1052.** 961.41 (1m) (im) 6. of the statutes, as created by
22 2001 Wisconsin Act 16, is repealed.

23 *~~4548/2.775~~* *~~3265/P1.86~~* **SECTION 1053.** 961.41 (1m) (j) of the statutes is
24 amended to read:

1 961.41 (1m) (j) Schedule V drugs. ~~A~~ If a person violates this subsection with
2 respect to a substance included in schedule V, may be fined not more than \$5,000 or
3 imprisoned for not more than 2 years or both the person is guilty of a Class I felony.

4 *~~4548/2.776~~* *~~3265/P1.87~~* **SECTION 1054.** 961.41 (1n) (c) of the statutes is
5 amended to read:

6 961.41 (1n) (c) A person who violates par. (a) or (b) ~~may be fined not more than~~
7 ~~\$250,000 or imprisoned for not more than 15 years or both~~ is guilty of a Class F felony.

8 *~~4548/2.777~~* *~~3265/P1.88~~* **SECTION 1055.** 961.41 (1q) of the statutes is
9 amended to read:

10 961.41 (1q) **PENALTY RELATING TO TETRAHYDROCANNABINOLS IN CERTAIN CASES.**
11 Under s. 961.49 (2), 1999 stats., and subs. (1) (h) and (1m) (h) and s. 961.49 (2), if
12 different penalty provisions apply to a person depending on whether the weight of
13 tetrahydrocannabinols or the number of plants containing tetrahydrocannabinols is
14 considered, the greater penalty provision applies.

15 *~~4548/2.778~~* *~~3265/P1.89~~* **SECTION 1056.** 961.41 (1r) of the statutes is
16 amended to read:

17 961.41 (1r) **DETERMINING WEIGHT OF SUBSTANCE.** In determining amounts under
18 s. 961.49 (2) (b), 1999 stats., and subs. (1) and (1m) and s. 961.49 (2) (b), an amount
19 includes the weight of cocaine, cocaine base, heroin, phencyclidine, lysergic acid
20 diethylamide, psilocin, psilocybin, amphetamine, methamphetamine,
21 methcathinone or tetrahydrocannabinols or any controlled substance analog of any
22 of these substances together with any compound, mixture, diluent, plant material
23 or other substance mixed or combined with the controlled substance or controlled
24 substance analog. In addition, in determining amounts under subs. (1) (h) and (1m)

1 (h), the amount of tetrahydrocannabinols means anything included under s. 961.14
2 (4) (t) and includes the weight of any marijuana.

3 *~~4548/2.779~~* *~~3265/P1.90~~* **SECTION 1057.** 961.41 (2) (intro.) of the statutes
4 is amended to read:

5 961.41 (2) COUNTERFEIT SUBSTANCES. (intro.) Except as authorized by this
6 chapter, it is unlawful for any person to create, manufacture, distribute, deliver or
7 possess with intent to distribute or deliver, a counterfeit substance. Any person who
8 violates this subsection ~~with respect to~~ is subject to the following penalties:

9 *~~4548/2.780~~* *~~3265/P1.91~~* **SECTION 1058.** 961.41 (2) (a) of the statutes is
10 amended to read:

11 961.41 (2) (a) Counterfeit schedule I and II narcotic drugs. ~~A~~ If a person
12 violates this subsection with respect to a counterfeit substance included in schedule
13 I or II which is a narcotic drug, may be fined not more than \$25,000 or imprisoned
14 for not more than 22 years and 6 months or both the person is guilty of a Class E
15 felony.

16 *~~4548/2.781~~* *~~3265/P1.92~~* **SECTION 1059.** 961.41 (2) (b) of the statutes, as
17 affected by 2001 Wisconsin Act 16, is amended to read:

18 961.41 (2) (b) Counterfeit schedule I, II, III, and IV drugs. Except as provided
19 in pars. (a) and (bm), and (cm), if a person violates this subsection with respect to any
20 other counterfeit substance included in schedule I, II or, III, may be fined not more
21 than \$15,000 or imprisoned for not more than 7 years and 6 months or both or IV, the
22 person is guilty of a Class H felony.

23 *~~4548/2.782~~* *~~3265/P1.93~~* **SECTION 1060.** 961.41 (2) (c) of the statutes is
24 repealed.

1 *~~4548/2.783~~* **SECTION 1061.** 961.41 (2) (cm) (title) of the statutes is created
2 to read:

3 961.41 (2) (cm) (title) *Counterfeit flunitrazepam.*

4 *~~4548/2.784~~* *~~3265/P1.94~~* **SECTION 1062.** 961.41 (2) (d) of the statutes is
5 amended to read:

6 961.41 (2) (d) *Counterfeit schedule V drugs.* ~~A- If a person violates this~~
7 ~~subsection with respect to a counterfeit substance included in schedule V, may be~~
8 ~~fined not more than \$5,000 or imprisoned for not more than 2 years or both the person~~
9 ~~is guilty of a Class I felony.~~

10 *~~4548/2.785~~* *~~3265/P1.95~~* **SECTION 1063.** 961.41 (3g) (a) 1. of the statutes
11 is renumbered 961.41 (3g) (am) and amended to read:

12 961.41 (3g) (am) *Schedule I and II narcotic drugs.* ~~Except as provided in subd.~~
13 ~~2., if the~~ If a person possesses a controlled substance included in schedule I or II
14 which is a narcotic drug, or possesses a controlled substance analog of a controlled
15 substance included in schedule I or II which is a narcotic drug, the person may, upon
16 a first conviction, be fined not more than \$5,000 or imprisoned for not more than 2
17 years or both, and, for a 2nd or subsequent offense, the person may be fined not more
18 than \$10,000 or imprisoned for not more than 3 years or both is guilty of a Class I
19 felony.

20 *~~4548/2.786~~* *~~3265/P1.96~~* **SECTION 1064.** 961.41 (3g) (a) 2. of the statutes
21 is repealed.

22 *~~4548/2.787~~* *~~3265/P1.97~~* **SECTION 1065.** 961.41 (3g) (a) 3. of the statutes
23 is repealed.

24 *~~4548/2.788~~* **SECTION 1066.** 961.41 (3g) (b) of the statutes is amended to read:

1 961.41 (3g) (b) Other drugs generally. Except as provided in pars. (c), (d), ~~(dm)~~,
2 (e) and (f), if the person possesses or attempts to possess a controlled substance or
3 controlled substance analog, other than a controlled substance included in schedule
4 I or II that is a narcotic drug or a controlled substance analog of a controlled
5 substance included in schedule I or II that is a narcotic drug, the person is guilty of
6 a misdemeanor, punishable under s. 939.61.

7 *~~4548/2.789~~* *~~3265/P1.99~~* **SECTION 1067.** 961.41 (3g) (c) of the statutes is
8 amended to read:

9 961.41 (3g) (c) Cocaine and cocaine base. If a person possess or attempts to
10 possess cocaine or cocaine base, or a controlled substance analog of cocaine or cocaine
11 base, the person shall be fined not more than \$5,000 and may be imprisoned for not
12 more than one year in the county jail upon a first conviction and is guilty of a Class
13 I felony for a 2nd or subsequent offense. For purposes of this paragraph, an offense
14 is considered a 2nd or subsequent offense if, prior to the offender's conviction of the
15 offense, the offender has at any time been convicted of any felony or misdemeanor
16 under this chapter or under any statute of the United States or of any state relating
17 to controlled substances, controlled substance analogs, narcotic drugs, marijuana,
18 or depressant, stimulant, or hallucinogenic drugs.

19 *~~4548/2.790~~* *~~3265/P1.100~~* **SECTION 1068.** 961.41 (3g) (d) of the statutes
20 is amended to read:

21 961.41 (3g) (d) Certain hallucinogenic and stimulant drugs. If a person
22 possesses or attempts to possess lysergic acid diethylamide, phencyclidine,
23 amphetamine, methamphetamine, methcathinone, psilocin or psilocybin, or a
24 controlled substance analog of lysergic acid diethylamide, phencyclidine,
25 amphetamine, methamphetamine, methcathinone, psilocin or psilocybin, the person

1 may be fined not more than \$5,000 or imprisoned for not more than one year in the
2 county jail or both upon a first conviction and is guilty of a Class I felony for a 2nd
3 or subsequent offense. For purposes of this paragraph, an offense is considered a 2nd
4 or subsequent offense if, prior to the offender's conviction of the offense, the offender
5 has at any time been convicted of any felony or misdemeanor under this chapter or
6 under any statute of the United States or of any state relating to controlled
7 substances, controlled substance analogs, narcotic drugs, marijuana, or depressant,
8 stimulant, or hallucinogenic drugs.

9 *~~4548/2.791~~* **SECTION 1069.** 961.41 (3g) (dm) of the statutes is repealed.

10 *~~4548/2.792~~* *~~3265/P1.101~~* **SECTION 1070.** 961.41 (3g) (e) of the statutes
11 is amended to read:

12 961.41 (3g) (e) *Tetrahydrocannabinols.* If a person possesses or attempts to
13 possess tetrahydrocannabinols included under s. 961.14 (4) (t), or a controlled
14 substance analog of tetrahydrocannabinols, the person may be fined not more than
15 \$1,000 or imprisoned for not more than 6 months or both upon a first conviction and
16 is guilty of a Class I felony for a 2nd or subsequent offense. For purposes of this
17 paragraph, an offense is considered a 2nd or subsequent offense if, prior to the
18 offender's conviction of the offense, the offender has at any time been convicted of any
19 felony or misdemeanor under this chapter or under any statute of the United States
20 or of any state relating to controlled substances, controlled substance analogs,
21 narcotic drugs, marijuana, or depressant, stimulant, or hallucinogenic drugs.

22 *~~4548/2.793~~* **SECTION 1071.** 961.41 (3g) (f) of the statutes is amended to read:

23 961.41 (3g) (f) *Gamma-hydroxybutyric acid, gamma-butyrolactone, ketamine,*
24 *or flunitrazepam.* If a person possesses or attempts to possess
25 gamma-hydroxybutyric acid, gamma-butyrolactone, ketamine or flunitrazepam,

1 the person may be fined not more than \$5,000 or imprisoned for not more than 2 years
2 or both is guilty of a Class H felony.

3 ***-4548/2.794* *-3265/P1.103* SECTION 1072.** 961.41 (4) (am) 3. of the statutes
4 is amended to read:

5 961.41 (4) (am) 3. A person ~~convicted of violating~~ who violates this paragraph
6 ~~may be fined not more than \$5,000 or imprisoned for not more than 2 years or both~~
7 is guilty of a Class I felony.

8 ***-4548/2.795* *-3265/P1.104* SECTION 1073.** 961.42 (2) of the statutes is
9 amended to read:

10 961.42 (2) Any person who violates this section ~~may be fined not more than~~
11 ~~\$25,000 or imprisoned not more than 2 years or both~~ is guilty of a Class I felony.

12 ***-4548/2.796* *-3265/P1.105* SECTION 1074.** 961.43 (2) of the statutes is
13 amended to read:

14 961.43 (2) Any person who violates this section ~~may be fined not more than~~
15 ~~\$30,000 or imprisoned not more than 6 years or both~~ is guilty of a Class H felony.

16 ***-4548/2.797* SECTION 1075.** 961.437 (4) (a) of the statutes is amended to read:

17 961.437 (4) (a) For a first offense, the person ~~shall be fined not less than \$1,000~~
18 ~~nor more than \$100,000 or imprisoned for not more than 7 years and 6 months or both~~
19 is guilty of a Class H felony.

20 ***-4548/2.798* SECTION 1076.** 961.437 (4) (b) of the statutes is amended to read:

21 961.437 (4) (b) For a 2nd or subsequent offense, the person ~~shall be fined not~~
22 ~~less than \$5,000 nor more than \$150,000 or imprisoned for not more than 15 years~~
23 ~~or both~~ is guilty of a Class F felony.

24 ***-4548/2.799* *-3265/P1.106* SECTION 1077.** 961.438 of the statutes is
25 repealed.

1 *~~4548/2.800~~* *~~3265/P1.107~~* **SECTION 1078.** 961.455 (1) of the statutes is
2 amended to read:

3 961.455 (1) Any person who has attained the age of 17 years who knowingly
4 solicits, hires, directs, employs or uses a person who is under the age of 17 years of
5 age or under for the purpose of violating s. 961.41 (1) ~~may be fined not more than~~
6 ~~\$50,000 or imprisoned for not more than 15 years or both~~ is guilty of a Class F felony.

7 *~~4548/2.801~~* *~~0590/P5.405~~* **SECTION 1079.** 961.455 (3) of the statutes is
8 amended to read:

9 961.455 (3) Solicitation under sub. (1) occurs in the manner described under
10 s. 939.30, but the penalties under sub. (1) apply instead of the penalties under s.
11 939.30 ~~or 948.35.~~

12 *~~4548/2.802~~* *~~3265/P1.108~~* **SECTION 1080.** 961.46 (1) of the statutes is
13 renumbered 961.46 and amended to read:

14 **961.46 Distribution to persons under age 18.** ~~Except as provided in sub.~~
15 ~~(3), any~~ If a person 17 years of age or over who violates s. 961.41 (1) by distributing
16 or delivering a controlled substance included in schedule I or II which is a narcotic
17 drug or a controlled substance analog of a controlled substance included in schedule
18 I or II which is a narcotic drug to a person 17 years of age or under who is at least
19 3 years his or her junior is punishable by the fine authorized by s. 961.41 (1) (a) or
20 a term of imprisonment of up to twice that authorized by s. 961.41 (1) (a), or both, the
21 applicable maximum term of imprisonment prescribed under s. 961.41 (1) for the
22 offense may be increased by not more than 5 years.

23 *~~4548/2.803~~* *~~3265/P1.109~~* **SECTION 1081.** 961.46 (2) of the statutes is
24 repealed.

1 *~~4548/2.804~~* *~~3265/P1.110~~* **SECTION 1082.** 961.46 (3) of the statutes is
2 repealed.

3 *~~4548/2.805~~* *~~3265/P1.111~~* **SECTION 1083.** 961.465 of the statutes is
4 repealed.

5 *~~4548/2.806~~* *~~3265/P1.112~~* **SECTION 1084.** 961.472 (2) of the statutes is
6 amended to read:

7 961.472 (2) Except as provided in sub. (5), if a person pleads guilty or is found
8 guilty of possession or attempted possession of a controlled substance or controlled
9 substance analog under s. 961.41 (3g) ~~(a) 2.~~ (am), (c), or (d) ~~or (dm)~~, the court shall
10 order the person to comply with an assessment of the person's use of controlled
11 substances. The court's order shall designate a facility that is operated by or
12 pursuant to a contract with the county department established under s. 51.42 and
13 that is certified by the department of health and family services to provide
14 assessment services to perform the assessment and, if appropriate, to develop a
15 proposed treatment plan. The court shall notify the person that noncompliance with
16 the order limits the court's ability to determine whether the treatment option under
17 s. 961.475 is appropriate. The court shall also notify the person of the fee provisions
18 under s. 46.03 (18) (fm).

19 *~~4548/2.807~~* *~~3265/P1.113~~* **SECTION 1085.** 961.48 (1) of the statutes is
20 renumbered 961.48 (1) (intro.) and amended to read:

21 961.48 (1) (intro.) ~~Except as provided in subs. (2) and (4), any~~ If a person who
22 is charged under sub. (2m) with a felony offense under this chapter that is a 2nd or
23 subsequent offense as provided under this chapter sub. (3) and the person is
24 convicted of that 2nd or subsequent offense may be fined an amount up to twice that
25 otherwise authorized or imprisoned for a term up to twice the term otherwise

1 ~~authorized or both,~~ the maximum term of imprisonment for the offense may be
2 increased as follows:

3 *~~4548/2.808~~* *~~3265/P1.114~~* SECTION 1086. 961.48 (1) (a) and (b) of the
4 statutes are created to read:

5 961.48 (1) (a) By not more than 6 years, if the offense is a Class C or D felony.

6 (b) By not more than 4 years, if the offense is a Class E, F, G, H, or I felony.

7 *~~4548/2.809~~* *~~3265/P1.115~~* SECTION 1087. 961.48 (2) of the statutes is
8 repealed.

9 *~~4548/2.810~~* *~~3265/P1.116~~* SECTION 1088. 961.48 (2m) (a) of the statutes
10 is amended to read:

11 961.48 (2m) (a) Whenever a person charged with ~~an~~ a felony offense under this
12 chapter may be subject to a conviction for a 2nd or subsequent offense, he or she is
13 not subject to an enhanced penalty under sub. (1) ~~or (2)~~ unless any applicable prior
14 convictions are alleged in the complaint, indictment or information or in an amended
15 complaint, indictment or information that is filed under par. (b) 1. A person is not
16 subject to an enhanced penalty under sub. (1) ~~or (2)~~ for an offense if an allegation of
17 applicable prior convictions is withdrawn by an amended complaint filed under par.
18 (b) 2.

19 *~~4548/2.811~~* *~~3265/P1.117~~* SECTION 1089. 961.48 (3) of the statutes is
20 amended to read:

21 961.48 (3) For purposes of this section, ~~an~~ a felony offense under this chapter
22 is considered a 2nd or subsequent offense if, prior to the offender's conviction of the
23 offense, the offender has at any time been convicted of any felony or misdemeanor
24 offense under this chapter or under any statute of the United States or of any state

1 relating to controlled substances or controlled substance analogs, narcotic drugs,
2 marijuana or depressant, stimulant or hallucinogenic drugs.

3 ***-4548/2.812* *-3265/P1.118* SECTION 1090.** 961.48 (4) of the statutes is
4 repealed.

5 ***-4548/2.813* SECTION 1091.** 961.49 (1) of the statutes is renumbered 961.49,
6 and 961.49 (intro.), as renumbered, is amended to read:

7 **961.49 Distribution of or possession with intent to deliver a controlled**
8 **substance on or near certain places.** (intro.) If any person violates s. 961.41 (1)
9 (cm), (d), (e), ~~(em)~~, (f), (g) or (h) by delivering or distributing, or violates s. 961.41 (1m)
10 (cm), (d), (e), ~~(em)~~, (f), (g) or (h) by possessing with intent to deliver or distribute,
11 cocaine, cocaine base, heroin, phencyclidine, lysergic acid diethylamide, psilocin,
12 psilocybin, amphetamine, methamphetamine, methcathinone or any form of
13 tetrahydrocannabinols or a controlled substance analog of any of these substances
14 and the delivery, distribution or possession takes place under any of the following
15 circumstances, the maximum term of imprisonment prescribed by law for that crime
16 may be increased by 5 years:

17 ***-4548/2.814* *-3265/P1.120* SECTION 1092.** 961.49 (2) of the statutes is
18 repealed.

19 ***-4548/2.815* *-3265/P1.121* SECTION 1093.** 961.49 (3) of the statutes is
20 repealed.

21 ***-4548/2.816* *-3265/P1.122* SECTION 1094.** 961.492 of the statutes is
22 repealed.

23 ***-4548/2.817* SECTION 1095.** 961.55 (1) (d) 3. of the statutes is amended to
24 read:

1 961.55 (1) (d) 3. A vehicle is not subject to forfeiture for a violation of s. 961.41
2 (3g) (b), (c), (d), ~~(dm)~~, (e) or (f); and

3 *~~4548/2.818~~* **SECTION 1096.** 961.573 (3) of the statutes is amended to read:

4 961.573 (3) No person may use, or possess with the primary intent to use, drug
5 paraphernalia to manufacture, compound, convert, produce, process, prepare, test,
6 analyze, pack, repack or store methamphetamine or a controlled substance analog
7 of methamphetamine in violation of this chapter. Any person who violates this
8 subsection ~~may be fined not more than \$10,000 or imprisoned for not more than 5~~
9 ~~years or both~~ is guilty of a Class H felony.

10 *~~4548/2.819~~* **SECTION 1097.** 961.574 (3) of the statutes is amended to read:

11 961.574 (3) No person may deliver, possess with intent to deliver, or
12 manufacture with intent to deliver, drug paraphernalia, knowing that it will be
13 primarily used to manufacture, compound, convert, produce, process, prepare, test,
14 analyze, pack, repack or store methamphetamine or a controlled substance analog
15 of methamphetamine in violation of this chapter. Any person who violates this
16 subsection ~~may be fined not more than \$10,000 or imprisoned for not more than 5~~
17 ~~years or both~~ is guilty of a Class H felony.

18 *~~4548/2.820~~* **SECTION 1098.** 961.575 (3) of the statutes is amended to read:

19 961.575 (3) Any person 17 years of age or over who violates s. 961.574 (3) by
20 delivering drug paraphernalia to a person 17 years of age or under ~~may be fined not~~
21 ~~more than \$50,000 or imprisoned for not more than 10 years or both~~ is guilty of a
22 Class G felony.

23 *~~4548/2.821~~* **SECTION 1099.** 967.04 (9) of the statutes is amended to read:

24 967.04 (9) In any criminal prosecution or juvenile fact-finding hearing under
25 s. 48.31 or 938.31, the court may admit into evidence a videotaped deposition taken

1 under subs. (7) and (8) without an additional hearing under s. 908.08. In any
2 proceeding under s. 302.113 (9) (am), 302.114 (9) (am), 304.06 (3), or 973.10 (2), the
3 hearing examiner may order and preside at the taking of a videotaped deposition
4 using the procedure provided in subs. (7) and (8) and may admit the videotaped
5 deposition into evidence without an additional hearing under s. 908.08.

6 *~~4548/2.822~~* *~~0590/P5.406~~* **SECTION 1100.** 968.255 (1) (a) 2. of the statutes
7 is amended to read:

8 968.255 (1) (a) 2. Arrested for any misdemeanor under s. 167.30, 940.19, 941.20
9 (1), 941.23, 941.237, 941.24, 948.60, ~~948.605 (2) (a)~~ or 948.61.

10 *~~4548/2.823~~* *~~3266/P1.148~~* **SECTION 1101.** 968.31 (1) (intro.) of the
11 statutes is amended to read:

12 968.31 (1) (intro.) Except as otherwise specifically provided in ss. 196.63 or
13 968.28 to 968.30, whoever commits any of the acts enumerated in this section ~~may~~
14 ~~be fined not more than \$10,000 or imprisoned for not more than 7 years and 6 months~~
15 ~~or both~~ is guilty of a Class H felony:

16 *~~4548/2.824~~* *~~3266/P1.149~~* **SECTION 1102.** 968.34 (3) of the statutes is
17 amended to read:

18 968.34 (3) Whoever knowingly violates sub. (1) ~~shall~~ may be fined not more
19 than \$10,000 or imprisoned for not more than ~~2 years~~ 9 months or both.

20 *~~4548/2.825~~* *~~3266/P1.150~~* **SECTION 1103.** 968.43 (3) of the statutes is
21 amended to read:

22 968.43 (3) Any person who violates an oath or affirmation required by sub. (2)
23 ~~may be imprisoned for not more than 7 years and 6 months~~ is guilty of a Class H
24 felony.

1 *~~4548/2.826~~* *~~0590/P5.407~~* SECTION 1104. 969.08 (10) (a) of the statutes
2 is amended to read:

3 969.08 (10) (a) “Commission of a serious crime” includes a solicitation,
4 conspiracy or attempt, under s. 948.35, 1999 stats., or s. 939.30, 939.31, or 939.32 or
5 948.35, to commit a serious crime.

6 *~~4548/2.827~~* *~~0590/P5.408~~* SECTION 1105. 969.08 (10) (b) of the statutes
7 is amended to read:

8 969.08 (10) (b) “Serious crime” means any crime specified in s. 943.23 (1m),
9 1999 stats., or s. 943.23 (1r), 1999 stats., or s. 346.62 (4), 940.01, 940.02, 940.03,
10 940.05, 940.06, 940.08, 940.09, 940.10, 940.19 (5), 940.195 (5), 940.20, 940.201,
11 940.203, 940.21, 940.225 (1) to (3), 940.23, 940.24, 940.25, 940.29, 940.295 (3) (b) 1g.,
12 1m., 1r., 2. or 3., 940.31, 941.20 (2) or (3), 941.26, 941.30, 941.327, 943.01 (2) (c),
13 943.011, 943.013, 943.02, 943.03, 943.04, 943.06, 943.10, 943.23 (1g), (1m) or (1r),
14 943.30, 943.32, 946.01, 946.02, 946.43, 947.015, 948.02 (1) or (2), 948.025, 948.03,
15 948.04, 948.05, 948.06, 948.07 or 948.30.

16 *~~4548/2.828~~* *~~0590/P5.409~~* SECTION 1106. 971.17 (1) of the statutes is
17 renumbered 971.17 (1) (a) and amended to read:

18 971.17 (1) (a) Felonies committed before the effective date of this paragraph
19 [revisor inserts date]. ~~When~~ Except as provided in par. (c), when a defendant is found
20 not guilty by reason of mental disease or mental defect of a felony committed before
21 the effective date of this paragraph [revisor inserts date], the court shall commit
22 the person to the department of health and family services for a specified period not
23 exceeding two-thirds of the maximum term of imprisonment that could be imposed
24 under ~~s. 973.15 (2) (a)~~ against an offender convicted of the same ~~crime or crimes~~
25 felony, including imprisonment authorized by ~~ss. 346.65 (2) (f), (2j) (d) or (3m),~~

1 939.62, 939.621, 939.63, 939.635, 939.64, 939.641, 939.645, 940.09 (1b), 940.25 (1b)
2 and 961.48 and other any applicable penalty enhancement statutes, as applicable,
3 subject to the credit provisions of s. 973.155.

4 (c) Felonies punishable by life imprisonment. If the ~~maximum term of~~
5 ~~imprisonment is a~~ defendant is found not guilty by reason of mental disease or
6 mental defect of a felony that is punishable by life imprisonment, the commitment
7 period specified by the court may be life, subject to termination under sub. (5).

8 *~~4548/2.829~~* *~~0590/P5.410~~* **SECTION 1107.** 971.17 (1) (b) of the statutes is
9 created to read:

10 971.17 (1) (b) *Felonies committed on or after the effective date of this paragraph*
11 *.... [revisor inserts date].* Except as provided in par. (c), when a defendant is found
12 not guilty by reason of mental disease or mental defect of a felony committed on or
13 after the effective date of this paragraph [revisor inserts date], the court shall
14 commit the person to the department of health and family services for a specified
15 period not exceeding the maximum term of confinement in prison that could be
16 imposed on an offender convicted of the same felony, plus imprisonment authorized
17 by any applicable penalty enhancement statutes, subject to the credit provisions of
18 s. 973.155.

19 *~~4548/2.830~~* *~~0590/P5.411~~* **SECTION 1108.** 971.17 (1) (d) of the statutes is
20 created to read:

21 971.17 (1) (d) *Misdemeanors.* When a defendant is found not guilty by reason
22 of mental disease or mental defect of a misdemeanor, the court shall commit the
23 person to the department of health and family services for a specified period not
24 exceeding two-thirds of the maximum term of imprisonment that could be imposed
25 against an offender convicted of the same misdemeanor, including imprisonment

1 authorized by any applicable penalty enhancement statutes, subject to the credit
2 provisions of s. 973.155.

3 ***-4548/2.831* SECTION 1109.** 971.365 (1) (a) of the statutes is amended to read:

4 971.365 (1) (a) In any case under s. 961.41 (1) (em), 1999 stats., or s. 961.41 (1)
5 (cm), (d), (e), (~~em~~), (f), (g) or (h) involving more than one violation, all violations may
6 be prosecuted as a single crime if the violations were pursuant to a single intent and
7 design.

8 ***-4548/2.832* SECTION 1110.** 971.365 (1) (b) of the statutes is amended to read:

9 971.365 (1) (b) In any case under s. 961.41 (1m) (em), 1999 stats., or s. 961.41
10 (1m) (cm), (d), (e), (~~em~~), (f), (g) or (h) involving more than one violation, all violations
11 may be prosecuted as a single crime if the violations were pursuant to a single intent
12 and design.

13 ***-4548/2.833* *-3265/P1.123* SECTION 1111.** 971.365 (1) (c) of the statutes is
14 amended to read:

15 971.365 (1) (c) In any case under s. 961.41 (3g) (a) 2., 1999 stats., or s. 961.41
16 (3g) (dm), 1999 stats., or s. 961.41 (3g) (a) 2. (am), (c), (d), (~~dm~~) or (e) involving more
17 than one violation, all violations may be prosecuted as a single crime if the violations
18 were pursuant to a single intent and design.

19 ***-4548/2.834* *-3265/P1.124* SECTION 1112.** 971.365 (2) of the statutes is
20 amended to read:

21 971.365 (2) An acquittal or conviction under sub. (1) does not bar a subsequent
22 prosecution for any acts in violation of s. 961.41 (1) (em), 1999 stats., s. 961.41 (1m)
23 (em), 1999 stats., s. 961.41 (3g) (a) 2., 1999 stats., or s. 961.41 (3g) (dm), 1999 stats.,
24 or s. 961.41 (1) (cm), (d), (e), (~~em~~), (f), (g), or (h), (1m) (cm), (d), (e), (~~em~~), (f), (g), or (h)

1 or (3g) ~~(a) 2.~~ (am), (c), (d), ~~(dm)~~ or (e) on which no evidence was received at the trial
2 on the original charge.

3 ***-4548/2.835* SECTION 1113.** 972.15 (2c) of the statutes is amended to read:

4 972.15 (2c) If the defendant is subject to being sentenced under s. 973.01 and
5 he or she satisfies the criteria under s. 302.045 (2) (b) and (c), the person preparing
6 the presentence investigation report shall include in the report a recommendation
7 as to whether the defendant should be eligible for the challenge incarceration
8 program under s. 302.045.

9 ***-4548/2.836* *-0590/P5.412* SECTION 1114.** 973.01 (1) of the statutes is
10 amended to read:

11 973.01 (1) BIFURCATED SENTENCE REQUIRED. Except as provided in sub. (3),
12 whenever a court sentences a person to imprisonment in the Wisconsin state prisons
13 for a felony committed on or after December 31, 1999, or a misdemeanor committed
14 on or after the effective date of this subsection [revisor inserts date], the court
15 shall impose a bifurcated sentence ~~that consists of a term of confinement in prison~~
16 ~~followed by a term of extended supervision under s. 302.113~~ this section.

17 ***-4548/2.837* SECTION 1115.** 973.01 (2) (intro.) of the statutes is amended to
18 read:

19 973.01 (2) STRUCTURE OF BIFURCATED SENTENCES. (intro.) ~~The court shall ensure~~
20 ~~that a~~ A bifurcated sentence is a sentence that consists of a term of confinement in
21 prison followed by a term of extended supervision under s. 302.113. The total length
22 of a bifurcated sentence equals the length of the term of confinement in prison plus
23 the length of the term of extended supervision. An order imposing a bifurcated
24 sentence imposed under sub. (1) complies ~~this section shall comply~~ with all of the
25 following:

1 *~~4548/2.838~~* **SECTION 1116.** 973.01 (2) (a) of the statutes is amended to read:

2 973.01 (2) (a) *Total length of bifurcated sentence.* Except as provided in par. (c),
3 the total length of the bifurcated sentence may not exceed the maximum period of
4 imprisonment ~~for the specified in s. 939.50 (3), if the crime is a classified felony, or~~
5 the maximum term of imprisonment provided by statute for the crime, if the crime
6 is not a classified felony, plus additional imprisonment authorized by any applicable
7 penalty enhancement statutes.

8 *~~4548/2.839~~* *~~0590/P5.414~~* **SECTION 1117.** 973.01 (2) (b) (intro.) of the
9 statutes is amended to read:

10 973.01 (2) (b) *Imprisonment Confinement portion of bifurcated sentence.*
11 (intro.) The portion of the bifurcated sentence that imposes a term of confinement
12 in prison may not be less than one year, ~~subject to any minimum sentence prescribed~~
13 ~~for the felony, and, except as provided in par. (c), may not exceed~~ is subject to
14 whichever of the following limits is applicable:

15 *~~4548/2.840~~* *~~0590/P5.416~~* **SECTION 1118.** 973.01 (2) (b) 2. of the statutes
16 is repealed.

17 *~~4548/2.841~~* *~~0590/P5.417~~* **SECTION 1119.** 973.01 (2) (b) 3. of the statutes
18 is amended to read:

19 973.01 (2) (b) 3. For a Class C felony, the term of confinement in prison may
20 not exceed ~~10~~ 25 years.

21 *~~4548/2.842~~* *~~0590/P5.418~~* **SECTION 1120.** 973.01 (2) (b) 4. of the statutes
22 is amended to read:

23 973.01 (2) (b) 4. For a Class D felony, the term of confinement in prison may
24 not exceed ~~5~~ 15 years.

1 *~~4548/2.843~~* *~~0590/P5.419~~* SECTION 1121. 973.01 (2) (b) 5. of the statutes
2 is amended to read:

3 973.01 (2) (b) 5. For a Class E felony, the term of confinement in prison may
4 not exceed 2 10 years.

5 *~~4548/2.844~~* *~~0590/P5.420~~* SECTION 1122. 973.01 (2) (b) 6. of the statutes
6 is renumbered 973.01 (2) (b) 10. (intro.) and amended to read:

7 973.01 (2) (b) 10. (intro.) For any felony crime other than ~~a felony specified in~~
8 ~~subds. 1. to 5. one of the following~~, the term of confinement in prison may not exceed
9 75% of the total length of the bifurcated sentence.;

10 *~~4548/2.845~~* *~~0590/P5.421~~* SECTION 1123. 973.01 (2) (b) 6m. of the statutes
11 is created to read:

12 973.01 (2) (b) 6m. For a Class F felony, the term of confinement in prison may
13 not exceed 7 years and 6 months.

14 *~~4548/2.846~~* *~~0590/P5.422~~* SECTION 1124. 973.01 (2) (b) 7. of the statutes
15 is created to read:

16 973.01 (2) (b) 7. For a Class G felony, the term of confinement in prison may
17 not exceed 5 years.

18 *~~4548/2.847~~* *~~0590/P5.423~~* SECTION 1125. 973.01 (2) (b) 8. of the statutes
19 is created to read:

20 973.01 (2) (b) 8. For a Class H felony, the term of confinement in prison may
21 not exceed 3 years.

22 *~~4548/2.848~~* *~~0590/P5.424~~* SECTION 1126. 973.01 (2) (b) 9. of the statutes
23 is created to read:

24 973.01 (2) (b) 9. For a Class I felony, the term of confinement in prison may not
25 exceed one year and 6 months.

1 *~~4548/2.849~~* SECTION 1127. 973.01 (2) (b) 10. a. and b. of the statutes are
2 created to read:

3 973.01 (2) (b) 10. a. A felony specified in subds. 1. to 9.

4 b. An attempt to commit a classified felony if the attempt is punishable under
5 s. 939.32 (1) (intro.).

6 *~~4548/2.850~~* SECTION 1128. 973.01 (2) (c) of the statutes is renumbered
7 973.01 (2) (c) 1. and amended to read:

8 973.01 (2) (c) 1. The Subject to the minimum period of extended supervision
9 required under par. (d), the maximum term of confinement in prison specified in par.
10 (b) may be increased by any applicable penalty enhancement statute. If the
11 maximum term of confinement in prison specified in par. (b) is increased under this
12 paragraph, the total length of the bifurcated sentence that may be imposed is
13 increased by the same amount.

14 *~~4548/2.851~~* SECTION 1129. 973.01 (2) (c) 2. of the statutes is created to read:

15 973.01 (2) (c) 2. If more than one of the following penalty enhancement statutes
16 apply to a crime, the court shall apply them in the order listed in calculating the
17 maximum term of imprisonment for that crime:

18 a. Sections 939.621, 939.632, 939.645, 961.46, and 961.49.

19 b. Section 939.63.

20 c. Section 939.62 (1) or 961.48.

21 *~~4548/2.852~~* *~~0590/P5.426~~* SECTION 1130. 973.01 (2) (d) of the statutes is
22 renumbered 973.01 (2) (d) (intro.) and amended to read:

23 973.01 (2) (d) *Minimum and maximum term of extended supervision.* (intro.)

24 The term of extended supervision that ~~follows the term of confinement in prison~~ may
25 not be less than 25% of the length of the term of confinement in prison imposed under

1 par. (b). and, for a classified felony, is subject to whichever of the following limits is
2 applicable:

3 *~~4548/2.853~~* *~~0590/P5.427~~* **SECTION 1131.** 973.01 (2) (d) 1. to 6. of the
4 statutes are created to read:

5 973.01 (2) (d) 1. For a Class B felony, the term of extended supervision may not
6 exceed 20 years.

7 2. For a Class C felony, the term of extended supervision may not exceed 15
8 years.

9 3. For a Class D felony, the term of extended supervision may not exceed 10
10 years.

11 4. For a Class E, F, or G felony, the term of extended supervision may not exceed
12 5 years.

13 5. For a Class H felony, the term of extended supervision may not exceed 3
14 years.

15 6. For a Class I felony, the term of extended supervision may not exceed 2 years.

16 *~~4548/2.854~~* *~~3370/P2.8~~* **SECTION 1132.** 973.01 (4) of the statutes is
17 amended to read:

18 973.01 (4) NO GOOD TIME; EXTENSION OR REDUCTION OF TERM OF IMPRISONMENT. A
19 person sentenced to a bifurcated sentence under sub. (1) shall serve the term of
20 confinement in prison portion of the sentence without reduction for good behavior.
21 The term of confinement in prison portion is subject to extension under s. 302.113 (3)
22 and, if applicable, to reduction under s. 302.045 (3m), or 302.113 (9g).

23 *~~4548/2.855~~* **SECTION 1133.** 973.01 (6) of the statutes is amended to read:

24 973.01 (6) NO PAROLE. A person serving a bifurcated sentence imposed under
25 sub. (1) is not eligible for release on parole under that sentence.